

Calendar No. 144

117TH CONGRESS
1ST SESSION**H. R. 4350**

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2021

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2022”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into seven di-
9 visions as follows:

1 (1) Division A—Department of Defense Au-
2 thorizations.

3 (2) Division B—Military Construction Author-
4 izations.

5 (3) Division C—Department of Energy Na-
6 tional Security Authorizations and Other Authoriza-
7 tions.

8 (4) Division D—Funding Tables.

9 (5) Division E—Non-Department of Defense
10 Matters.

11 (6) Division F—Department of State Authori-
12 ties.

13 (7) Division G—Global Pandemic Prevention
14 and Biosecurity.

15 (b) TABLE OF CONTENTS.—The table of contents for
16 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for AH-64E Apache helicopters.

Sec. 112. Multiyear procurement authority for UH-60M and HH-60M Black
Hawk helicopters.

Sec. 113. Continuation of Soldier Enhancement Program.

Sec. 114. Strategy for the procurement of accessories for the next generation
squad weapon.

Sec. 115. Plan for ensuring sources of cannon tubes.

Subtitle C—Navy Programs

- Sec. 121. Extension of procurement authority for certain amphibious shipbuilding programs.
- Sec. 122. Inclusion of basic and functional design in assessments required prior to start of construction on first ship of a shipbuilding program.
- Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers.
- Sec. 124. Incorporation of advanced degaussing systems into DDG-51 class destroyers.

Subtitle D—Air Force Programs

- Sec. 131. Contract for logistics support for VC-25B aircraft.
- Sec. 132. Limitation on availability of funds for the B-52 Commercial Engine Replacement Program.
- Sec. 133. Inventory requirements and limitations relating to certain air refueling tanker aircraft.
- Sec. 134. Minimum inventory of tactical airlift aircraft and limitation on modification of Air National Guard tactical airlift flying missions.
- Sec. 135. Procurement authority for certain parts of the ground-based strategic deterrent cryptographic device.
- Sec. 136. Sense of Congress on Joint Surveillance Target Attack Radar System aircraft.
- Sec. 137. Limitation on availability of funds for retirement of RC-26B aircraft.
- Sec. 138. Report relating to reduction of total number of tactical airlift aircraft.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

- Sec. 141. Implementation of affordability, operational, and sustainment cost constraints for the F-35 aircraft program.
- Sec. 142. Limitation on availability of funds for aircraft systems for the armed overwatch program.
- Sec. 143. Major weapon systems capability assessment process and procedure review and report.
- Sec. 144. Reports on exercise of waiver authority with respect to certain aircraft ejection seats.
- Sec. 145. Briefing on military type certifications for aircraft.

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- Sec. 201. Authorization of appropriations.

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- Sec. 211. Duties and regional activities of the Defense Innovation Unit.
- Sec. 212. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions to support Department of Defense missions.
- Sec. 213. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions.
- Sec. 214. Minority Institute for Defense Research.
- Sec. 215. Test program for engineering plant of DDG(X) destroyer vessels.
- Sec. 216. Consortium to study irregular warfare.

- Sec. 217. Development and implementation of digital technologies for survivability and lethality testing.
- Sec. 218. Pilot program on the use of intermediaries to connect the Department of Defense with technology producers.
- Sec. 219. Assessment and correction of deficiencies in the F-35 aircraft pilot breathing system.
- Sec. 220. Identification of the hypersonics facilities and capabilities of the Major Range and Test Facility Base.
- Sec. 221. Requirement to maintain access to category 3 subterranean training facility.
- Sec. 222. Prohibition on reduction of naval aviation testing and evaluation capacity.
- Sec. 223. Limitation on availability of funds for certain C-130 aircraft.
- Sec. 224. Limitation on availability of funds for VC-25B aircraft program pending submission of documentation.
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- Sec. 232. Adaptive engine transition program acquisition strategy for the F-35A aircraft.
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- Sec. 234. Assessment and report on airborne electronic attack capabilities and capacity.
- Sec. 235. Strategy for autonomy integration in major weapon systems.
- Sec. 236. Roadmap for research and development of disruptive manufacturing capabilities.
- Sec. 237. Biennial Assessments of the Air Force Research Laboratory, Aerospace Systems Directorate, Rocket Propulsion Division.
- Sec. 238. Report detailing compliance with disclosure requirements for recipients of research and development funds.
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- Sec. 312. Modification of authorities governing cultural and conservation activities of the Department of Defense.
- Sec. 313. Modification of authority for environmental restoration projects of National Guard.
- Sec. 314. Prohibition on use of open-air burn pits in contingency operations outside the United States.
- Sec. 315. Maintenance of current analytical tools for evaluation of energy resilience measures.
- Sec. 316. Energy efficiency targets for Department of Defense data centers.
- Sec. 317. Modification of restriction on Department of Defense procurement of certain items containing perfluorooctane sulfonate or perfluorooctanoic acid.
- Sec. 318. Temporary moratorium on incineration by Department of Defense of perfluoroalkyl substances, polyfluoroalkyl substances, and aqueous film forming foam.
- Sec. 319. Public disclosure of results of Department of Defense testing of water for perfluoroalkyl or polyfluoroalkyl substances or lead.
- Sec. 320. PFAS testing requirements.
- Sec. 321. Standards for response actions with respect to PFAS contamination.
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- Sec. 323. Budget information for alternatives to burn pits.
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- Sec. 330. Review of agreements with non-Department entities with respect to prevention and mitigation of spills of aqueous film-forming foam.
- Sec. 331. Inspection of piping and support infrastructure at Red Hill Bulk Fuel Storage Facility, Hawai'i.
- Sec. 332. Amendment to budgeting of Department of Defense relating to extreme weather.
- Sec. 333. Sense of Congress regarding electric or zero-emission vehicles for non-combat vehicle fleet.
- Sec. 334. Pilot program to test new software to track emissions at certain military installations.
- Sec. 335. Department of Defense plan to meet science-based emissions targets.
- Sec. 336. Report on clean up of contaminated Army property.
- Sec. 337. Grants for maintaining or improving military installation resilience.
- Sec. 338. Inclusion of information regarding climate change in reports on national technology and industrial base.
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- Sec. 343. Comptroller General annual reviews of F-35 sustainment efforts.
- Sec. 344. Pilot program on biobased corrosion control and mitigation.
- Sec. 345. Pilot program on digital optimization of organic industrial base maintenance and repair operations.
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- Sec. 348. Report on maintenance and repair of aircraft turbine engine rotors.
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- Sec. 365. Report and briefing on approach for certain properties affected by noise from military flight operations.
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- Sec. 516. Required staffing of administrative separation boards.
- Sec. 517. Administrative separation: miscellaneous authorities and requirements.
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- Sec. 525. Punitive article on violent extremism.
- Sec. 526. Clarifications of procedure in investigations of personnel actions taken against members of the Armed Forces in retaliation for protected communications.
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- Sec. 542. Modification of notice to victims of pendency of further administrative action following a determination not to refer to trial by court-martial.
- Sec. 543. Modifications to annual report regarding sexual assaults involving members of the Armed Forces.
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- Sec. 567. Database of next of kin of deceased members of the Armed Forces.
- Sec. 568. Policy regarding remote military installations.
- Sec. 569. Feasibility study on program for drop-in child care furnished to certain military spouses at military child development centers.

- Sec. 569A. Comptroller General of the United States reports on employment discrimination against military spouses by civilian employers.
- Sec. 569B. Report on efforts of commanders of military installations to connect military families with local entities that provide services to military families.
- Sec. 569C. Report on Preservation of the Force and Family Program of United States Special Operations Command.
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- Sec. 569E. Continued assistance to schools with significant numbers of military dependent students.
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- Sec. 572. Surveys on diversity, equity, and inclusion and annual reports on sexual assaults and racial and ethnic demographics in the military justice system.
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- Sec. 574. Extension of deadline for GAO report on equal opportunity at the military service academies.
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- Sec. 582. Eligibility of veterans of Operation End Sweep for Vietnam Service Medal.
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- Sec. 6222. State and local cybersecurity grant program.
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- Sec. 6224. Cybersecurity vulnerabilities.
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- Sec. 6301. Short title.
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- Sec. 6410. Extension of period of eligibility by reason of school closures due to emergency and other situations under Department of Veterans Affairs training and rehabilitation program for veterans with service-connected disabilities.
- Sec. 6411. Extension of time limitation for use of entitlement under Department of Veterans Affairs educational assistance programs by reason of school closures due to emergency and other situations.
- Sec. 6412. Exemption of certain Homeland Security fees for certain immediate relatives of an individual who received the Purple Heart.
- Sec. 6413. Payments to individuals who served during World War II in the United States Merchant Marine.
- Sec. 6414. Resolution of controversies under Servicemembers Civil Relief Act.
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- Sec. 6417. Prohibition on United States persons from purchasing or selling Russian sovereign debt.
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- Sec. 6425. Afghanistan Refugee Special Envoy.
- Sec. 6426. Authority of President to appoint successors to members of Board of Visitors of military academies whose terms have expired.
- Sec. 6427. Authorization for United States participation in the Coalition for Epidemic Preparedness Innovations.
- Sec. 6428. Sense of Congress on role of human rights in reducing violence in Nigeria.
- Sec. 6429. Treatment of paycheck protection program loan forgiveness of payroll costs under highway and public transportation project cost reimbursement contracts.

- Sec. 6430. Grants to States for Seal of Biliteracy programs.
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- Sec. 6432. Study on contamination of Coldwater Creek, Missouri.
- Sec. 6433. Recognition and honoring of service of individuals who served in United States Cadet Nurse Corps during World War II.
- Sec. 6434. Report relating to establishment of preclearance facility in Taiwan.
- Sec. 6435. Documenting and responding to discrimination against migrants abroad.
- Sec. 6436. Sense of Congress on recognizing women in the United States for their service in World War II and recognizing the role of Representative Edith Nourse Rogers in establishing the Women's Army Auxiliary Corps and the Women's Army Corps.
- Sec. 6437. Protection of Saudi Dissidents Act of 2021.
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- Sec. 6440. Annual report on veteran access to gender specific services under Department of Veterans Affairs community care contracts.
- Sec. 6441. Establishment of environment of care standards and inspections at Department of Veterans Affairs medical centers.
- Sec. 6442. National Global War on Terrorism Memorial.
- Sec. 6443. Amendments to annual Country Reports on Human Rights Practices.
- Sec. 6444. National security commission on synthetic biology.
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- Sec. 6449. Comptroller General report on equipment in Afghanistan.
- Sec. 6450. China Economic Data Coordination Center.
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- Sec. 6453. National biodefense science and technology strategy.
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- Sec. 6457. Semiconductor production incentive expansion.
- Sec. 6458. Authority for Secretary of Health and Human Services to accept unused COVID-19 vaccines for potential redistribution.
- Sec. 6459. Pilot program to employ veterans in positions relating to conservation and resource management activities.
- Sec. 6460. Use of veterans with medical occupations in response to national emergencies.
- Sec. 6461. Critical Technology Security Centers.
- Sec. 6462. Pilot program on doula support for veterans.
- Sec. 6463. Establishment of Afghan Threat Finance Cell.
- Sec. 6464. Determination of potential genocide or crimes against humanity in Ethiopia.
- Sec. 6465. Attorney General report on war crimes and torture by United States citizens in Libya.
- Sec. 6466. Review of implementation of United States sanctions with respect to violators of the arms embargo on Libya.

- Sec. 6467. Prohibition of Federal funding for induced or required undermining of security of consumer communications goods.
- Sec. 6468. Annual report on surveillance sales to repressive governments.
- Sec. 6469. Review of sanctions with respect to Russian kleptocrats and human rights abusers.
- Sec. 6470. Modifications to and reauthorization of sanctions with respect to human rights violations.
- Sec. 6471. Sense of Congress with respect to the production of baseload power in the United States.
- Sec. 6472. Strategy and reporting related to United States engagement in Somalia.
- Sec. 6473. Prohibition on contributions to support the G5 Sahel Joint Force.
- Sec. 6474. Menstrual products in public buildings.
- Sec. 6475. Department of Veterans Affairs awareness campaign on fertility services.
- Sec. 6476. Memorial for those who lost their lives in the attack on Hamid Karzai International Airport on August 26, 2021.
- Sec. 6477. Corey Adams Green Alert Systems Technical Assistance.
- Sec. 6478. Housing allowance for Federal wildland firefighters.
- Sec. 6479. Mental health program for Federal wildland firefighters.
- Sec. 6480. Reports on substance abuse in the Armed Forces.
- Sec. 6481. Prohibition on the use of funds for aerial fumigation in Colombia.
- Sec. 6482. Annual report on United States policy toward South Sudan.
- Sec. 6483. Sense of Congress on the use of the Defense Production Act of 1950 for global vaccine production.
- Sec. 6484. National Academies Science, Technology, and Security Roundtable.
- Sec. 6485. Prohibition on Federal Funding to EcoHealth Alliance, Inc.
- Sec. 6486. Blocking Deadly Fentanyl Imports.
- Sec. 6487. Department of Veterans Affairs report on supportive services and housing insecurity.
- Sec. 6488. Report on obstacles to veteran participation in Federal housing programs.
- Sec. 6489. Inclusion on the Vietnam Veterans Memorial Wall of the names of the lost crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.
- Sec. 6490. Jamal Khashoggi Press Freedom Accountability Act of 2021.
- Sec. 6491. Interagency One Health Program.
- Sec. 6492. Support for Afghan Special Immigrant Visa and Refugee Applicants.
- Sec. 6493. Review and Report of experimentation with ticks and insects.
- Sec. 6494. Increase in length of post-employment ban on lobbying by certain former senior executive branch personnel.
- Sec. 6495. Afghan refugees of special humanitarian concern.
- Sec. 6496. Establishment of Subcommittee on the Economic and Security Implications of Quantum Information Science.
- Sec. 6497. Report on effectiveness of Taliban sanctions.
- Sec. 6498. Report on net worth of Syrian President Bashar al-Assad.
- Sec. 6499. Report on assistance to Turkmenistan.
- Sec. 6499A. Report on space debris and low Earth orbit satellites.
- Sec. 6499B. Study on supply chains critical to national security.
- Sec. 6499C. Strategy for engagement with Southeast Asia and ASEAN.
- Sec. 6499D. Representation and leadership of United States in communications standards-setting bodies.
- Sec. 6499E. Malign foreign talent recruitment program prohibition.
- Sec. 6499F. National equal pay enforcement task force.

- Sec. 6499G. Ensuring that contractor employees on army corps projects are paid prevailing wages as required by law.
- Sec. 6499H. Definition of land use revenue under West Los Angeles Leasing Act of 2016.
- Sec. 6499I. Amendment to Radiation Exposure Compensation Act.
- Sec. 6499J. Limitation on licenses and other authorizations for export of certain items removed from the jurisdiction of the United States Munitions List and made subject to the jurisdiction of the Export Administration Regulations.
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- Sec. 6501. Definitions.
- Sec. 6502. Authorization to perform and minimum standards for electronic notarization.
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TITLE LXX—DEPARTMENT OF STATE AUTHORITIES

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- Sec. 7105. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration.
- Sec. 7106. Office of International Disability Rights.
- Sec. 7107. Anti-piracy information sharing.
- Sec. 7108. Importance of foreign affairs training to national security.
- Sec. 7109. Classification and assignment of Foreign Service officers.
- Sec. 7110. Energy diplomacy and security within the Department of State.
- Sec. 7111. National Museum of American Diplomacy.
- Sec. 7112. Extension of period for reimbursement of fishermen for costs incurred from the illegal seizure and detention of U.S.-flag fishing vessels by foreign governments.
- Sec. 7113. Art in embassies.

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- Sec. 7301. Defense Base Act insurance waivers.
- Sec. 7302. Study on Foreign Service allowances.
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- Sec. 7306. Sense of Congress regarding certain fellowship programs.
- Sec. 7307. Technical correction.
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- Sec. 7310. Sense of Congress regarding veterans employment at the Department of State.
- Sec. 7311. Employee assignment restrictions and preclusions.
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- Sec. 7313. Strategic staffing plan for the Department of State.
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- Sec. 7315. Incentives for critical posts.
- Sec. 7316. Extension of authority for certain accountability review boards.
- Sec. 7317. Foreign Service suspension without pay.
- Sec. 7318. Foreign Affairs Manual and Foreign Affairs Handbook changes.
- Sec. 7319. Waiver authority for individual occupational requirements of certain positions.
- Sec. 7320. Appointment of employees to the Global Engagement Center.
- Sec. 7321. Rest and recuperation and overseas operations leave for Federal employees.
- Sec. 7322. Emergency medical services authority.
- Sec. 7323. Department of State Student Internship Program.
- Sec. 7324. Competitive status for certain employees hired by Inspectors General to support the lead IG mission.
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- Sec. 7401. Definitions.
- Sec. 7402. Collection, analysis, and dissemination of workforce data.
- Sec. 7403. Exit interviews for workforce.
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- Sec. 7406. Leadership engagement and accountability.
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- Sec. 7408. Examination and oral assessment for the Foreign Service.
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- Sec. 7410. Voluntary participation.

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- Sec. 7501. Definitions.
- Sec. 7502. List of certain telecommunications providers.
- Sec. 7503. Preserving records of electronic communications conducted related to official duties of positions in the public trust of the American people.
- Sec. 7504. Foreign Relations of the United States (FRUS) series and declassification.
- Sec. 7505. Vulnerability Disclosure Policy and Bug Bounty Pilot Program.

Subtitle F—Public Diplomacy

- Sec. 7601. Short title.
- Sec. 7602. Avoiding duplication of programs and efforts.
- Sec. 7603. Improving research and evaluation of public diplomacy.
- Sec. 7604. Permanent reauthorization of the United States Advisory Commission on Public Diplomacy.
- Sec. 7605. Streamlining of support functions.
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- Sec. 7607. Definitions.

Subtitle G—Combating Public Corruption

- Sec. 7701. Sense of congress.
- Sec. 7702. Annual assessment.
- Sec. 7703. Transparency and accountability.
- Sec. 7704. Designation of embassy anti-corruption points of contact.

Subtitle H—Other Matters

- Sec. 7801. Case-Zablocki Act Reform.
- Sec. 7802. Limitation on assistance to countries in default.
- Sec. 7803. Sean and David Goldman Child Abduction Prevention and Return Act of 2014 amendment.
- Sec. 7804. Modification of authorities of Commission for the Preservation of America's Heritage Abroad.
- Sec. 7805. Chief of mission concurrence.
- Sec. 7806. Report on efforts of the Coronavirus Repatriation Task Force.

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- Sec. 8001. Short title.
- Sec. 8002. Statement of policy.
- Sec. 8003. Definitions.

- Sec. 8004. Findings.
- Sec. 8005. United States policy toward assisting countries in preventing zoonotic spillover events.
- Sec. 8006. Global zoonotic disease task force.
- Sec. 8007. Preventing outbreaks of zoonotic diseases.
- Sec. 8008. USAID multisectoral strategy for food security, global health, biodiversity conservation, and reducing demand for wildlife for human consumption.
- Sec. 8009. Implementation of multisectoral strategy.
- Sec. 8010. Establishment of conservation corps.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 In this Act, the term “congressional defense commit-
3 tees” has the meaning given that term in section
4 101(a)(16) of title 10, United States Code.

5 **DIVISION A—DEPARTMENT OF**
6 **DEFENSE AUTHORIZATIONS**
7 **TITLE I—PROCUREMENT**
8 **Subtitle A—Authorization of**
9 **Appropriations**

10 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2022 for procurement for the Army, the Navy
13 and the Marine Corps, the Air Force and the Space Force,
14 and Defense-wide activities, as specified in the funding
15 table in section 4101.

16 **Subtitle B—Army Programs**

17 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**
18 **64E APACHE HELICOPTERS.**

19 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
20 Subject to section 2306b of title 10, United States Code,

1 the Secretary of the Army may enter into one or more
2 multiyear contracts, beginning with the fiscal year 2022
3 program year, for the procurement of AH-64E Apache
4 helicopters.

5 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
6 MENTS.—A contract entered into under subsection (a)
7 shall provide that any obligation of the United States to
8 make a payment under the contract for a fiscal year after
9 fiscal year 2022 is subject to the availability of appropria-
10 tions for that purpose for such later fiscal year.

11 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**
12 **60M AND HH-60M BLACK HAWK HELI-**
13 **COPTERS.**

14 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
15 Subject to section 2306b of title 10, United States Code,
16 the Secretary of the Army may enter into one or more
17 multiyear contracts, beginning with the fiscal year 2022
18 program year, for the procurement of UH-60M and HH-
19 60M Black Hawk helicopters.

20 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
21 MENTS.—A contract entered into under subsection (a)
22 shall provide that any obligation of the United States to
23 make a payment under the contract for a fiscal year after
24 fiscal year 2022 is subject to the availability of appropria-
25 tions for that purpose for such later fiscal year.

1 **SEC. 113. CONTINUATION OF SOLDIER ENHANCEMENT PRO-**
2 **GRAM.**

3 (a) REQUIREMENT TO CONTINUE PROGRAM.—The
4 Secretary of the Army, acting through the Assistant Sec-
5 retary of the Army for Acquisition, Logistics, and Tech-
6 nology in accordance with subsection (b), shall continue
7 to carry out the Soldier Enhancement Program estab-
8 lished pursuant to section 203 of the National Defense
9 Authorization Act for Fiscal Years 1990 and 1991 (Public
10 Law 101–189; 103 Stat. 1394).

11 (b) RESPONSIBLE OFFICIAL.—The Secretary of the
12 Army shall designate the Assistant Secretary of the Army
13 for Acquisition, Logistics, and Technology as the official
14 in the Department of the Army with principal responsi-
15 bility for the management of the Soldier Enhancement
16 Program under subsection (a).

17 (c) DUTIES.—The duties of the Soldier Enhancement
18 Program shall include the identification, research, develop-
19 ment, test, and evaluation of commercially available off-
20 the-shelf items (as defined in section 104 of title 41,
21 United States Code) and software applications to accel-
22 erate the efforts of the Army to integrate, modernize, and
23 enhance weapons and equipment for use by Army soldiers,
24 including—

25 (1) lighter, more lethal weapons; and

1 (2) support equipment, including lighter, more
2 comfortable load-bearing equipment, field gear, com-
3 bat clothing, survivability items, communications
4 equipment, navigational aids, night vision devices,
5 tactical power, sensors, and lasers.

6 **SEC. 114. STRATEGY FOR THE PROCUREMENT OF ACCES-**
7 **SORIES FOR THE NEXT GENERATION SQUAD**
8 **WEAPON.**

9 (a) STRATEGY REQUIRED.—The Secretary of the
10 Army shall develop and implement a strategy to identify,
11 test, qualify, and procure, on a competitive basis, acces-
12 sories for the next generation squad weapon of the Army,
13 including magazines and other components that could af-
14 fect the performance of such weapon.

15 (b) MARKET SURVEY AND QUALIFICATION ACTIVI-
16 TIES.—

17 (1) INITIAL MARKET SURVEY.—Not later than
18 one year after a decision is made to enter into full-
19 rate production for the next generation squad weap-
20 on, the Secretary of the Army shall conduct a mar-
21 ket survey to identify accessories for such weapon,
22 including magazines and other components, that
23 could affect the weapon's performance.

24 (2) QUALIFICATION ACTIVITIES.—After com-
25 pleting the market survey under paragraph (1), the

1 Secretary of the Army may compete, select, procure,
2 and conduct tests of such components to qualify
3 such components for purchase and use. A decision to
4 qualify such components shall be based on estab-
5 lished technical standards for operational safety and
6 weapon effectiveness.

7 (c) INFORMATION TO CONGRESS.—Not later than
8 180 days after the date of the enactment of this Act, the
9 Secretary of the Army shall provide to the congressional
10 defense committees a briefing or a report on—

11 (1) the strategy developed and implemented by
12 the Secretary under subsection (a); and

13 (2) the results of the market survey and quali-
14 fication activities under subsection (b).

15 **SEC. 115. PLAN FOR ENSURING SOURCES OF CANNON**
16 **TUBES.**

17 The Secretary of the Army shall develop and imple-
18 ment an investment and sustainment plan to ensure the
19 sourcing of cannon tubes for the purpose of mitigating
20 risk to the Army and the industrial base. Under the plan,
21 the Secretary of the Army shall—

22 (1) identify qualified and capable sources, in
23 addition to those currently used, from which cannon
24 tubes may be procured; and

1 (2) determine the feasibility, advisability, and
2 affordability of procuring cannon tubes from such
3 sources on a sustainable basis.

4 **Subtitle C—Navy Programs**

5 **SEC. 121. EXTENSION OF PROCUREMENT AUTHORITY FOR** 6 **CERTAIN AMPHIBIOUS SHIPBUILDING PRO-** 7 **GRAMS.**

8 Section 124(a)(1) of the William M. (Mac) Thorn-
9 berry National Defense Authorization Act for Fiscal Year
10 2021 (Public Law 116–283) is amended by striking “fis-
11 cal year 2021” and inserting “fiscal years 2021 and
12 2022”.

13 **SEC. 122. INCLUSION OF BASIC AND FUNCTIONAL DESIGN** 14 **IN ASSESSMENTS REQUIRED PRIOR TO** 15 **START OF CONSTRUCTION ON FIRST SHIP OF** 16 **A SHIPBUILDING PROGRAM.**

17 Section 124 of the National Defense Authorization
18 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
19 28; 10 U.S.C. 8661 note) is amended—

20 (1) in subsection (a)—

21 (A) in the matter preceding paragraph (1),
22 by striking “Concurrent with approving the
23 start of construction of the first ship for any
24 major shipbuilding program, the Secretary of
25 the Navy shall” and inserting “The Secretary

1 of the Navy may not enter into a contract for
2 the construction of the first ship for any major
3 shipbuilding program until a period of 30 days
4 has elapsed following the date on which the
5 Secretary”;

6 (B) in paragraph (1)—

7 (i) by striking “submit” and inserting
8 “submits”; and

9 (ii) by striking “and” at the end;

10 (C) in paragraph (2)—

11 (i) by striking “certify” and inserting
12 “certifies”; and

13 (ii) by striking the period at the end
14 and inserting “; and”; and

15 (D) by adding at the end the following new
16 paragraph:

17 “(3) certifies to the congressional defense com-
18 mittees that the basic and functional design of the
19 vessel is complete.”; and

20 (2) in subsection (d), by adding at the end the
21 following new paragraph:

22 “(5) BASIC AND FUNCTIONAL DESIGN.—The
23 term ‘basic and functional design’, when used with
24 respect to a vessel, means design through computer-
25 aided models, that—

1 “(A) fixes the hull structure of the vessel;

2 “(B) sets the hydrodynamics of the vessel;

3 “(C) routes all major distributive systems
4 of the vessel, including electricity, water, and
5 other utilities; and

6 “(D) identifies the exact positioning of pip-
7 ing and other outfitting within each block of the
8 vessel.”.

9 **SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR**
10 **ARLEIGH BURKE CLASS DESTROYERS.**

11 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—
12 Subject to section 2306b of title 10, United States Code,
13 the Secretary of the Navy may enter into one or more
14 multiyear contracts for the procurement of up to 15
15 Arleigh Burke class Flight III guided missile destroyers.

16 (b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
17 Secretary of the Navy may enter into one or more con-
18 tracts, beginning in fiscal year 2023, for advance procure-
19 ment associated with the destroyers for which authoriza-
20 tion to enter into a multiyear procurement contract is pro-
21 vided under subsection (a), and for systems and sub-
22 systems associated with such destroyers in economic order
23 quantities when cost savings are achievable.

24 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
25 **MENTS.**—A contract entered into under subsection (a)

1 shall provide that any obligation of the United States to
2 make a payment under the contract for a fiscal year after
3 fiscal year 2023 is subject to the availability of appropria-
4 tions or funds for that purpose for such later fiscal year.

5 (d) LIMITATION.—The Secretary of the Navy may
6 not modify a contract entered into under subsection (a)
7 if the modification would increase the target price of the
8 destroyer by more than 10 percent above the target price
9 specified in the original contract awarded for the destroyer
10 under subsection (a).

11 **SEC. 124. INCORPORATION OF ADVANCED DEGAUSSING**
12 **SYSTEMS INTO DDG-51 CLASS DESTROYERS.**

13 (a) IN GENERAL.—The Secretary of the Navy shall
14 ensure that an advanced degaussing system is incor-
15 porated into any DDG-51 class destroyer procured pursu-
16 ant to a covered contract.

17 (b) COVERED CONTRACT DEFINED.—In this section,
18 the term “covered contract” means a multiyear contract
19 for the procurement of a DDG-51 destroyer that is en-
20 tered into by the Secretary of the Navy on or after the
21 date of the enactment of this Act.

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. CONTRACT FOR LOGISTICS SUPPORT FOR VC-25B**

3 **AIRCRAFT.**

4 Section 143 of the John S. McCain National Defense
5 Authorization Act for Fiscal Year 2019 (Public Law 115–
6 232; 132 Stat. 1668) is amended—

7 (1) in paragraph (1), by striking “, unless oth-
8 erwise approved in accordance with established pro-
9 cedures”; and

10 (2) in paragraph (2), by inserting “such” be-
11 fore “logistics support contract”.

12 **SEC. 132. LIMITATION ON AVAILABILITY OF FUNDS FOR**

13 **THE B-52 COMMERCIAL ENGINE REPLACE-**

14 **MENT PROGRAM.**

15 (a) **LIMITATION.**—None of the funds authorized to
16 be appropriated by this Act or otherwise made available
17 for fiscal year 2022 for the research and development, de-
18 sign, procurement, or advanced procurement of materials
19 for the B-52 Commercial Engine Replacement Program
20 may be obligated or expended until the date on which the
21 Secretary of Defense submits to the congressional defense
22 committees the report described in section 2432 of title
23 10, United States Code, for the most recently concluded
24 fiscal quarter for the B-52 Commercial Engine Replace-
25 ment Program in accordance with subsection (b)(1).

1 (b) ADDITIONAL REQUIREMENTS.—

2 (1) TREATMENT OF BASELINE ESTIMATE.—The
3 Secretary of Defense shall deem the Baseline Esti-
4 mate for the B–52 Commercial Engine Replacement
5 Program for fiscal year 2018 as the original Base-
6 line Estimate for the Program.

7 (2) UNIT COST REPORTS AND CRITICAL COST
8 GROWTH.—

9 (A) Subject to subparagraph (B), the Sec-
10 retary shall carry out sections 2433 and 2433a
11 of title 10, United States Code, with respect to
12 the B–52 Commercial Engine Replacement Pro-
13 gram, as if the Department had submitted a
14 Selected Acquisition Report for the Program
15 that included the Baseline Estimate for the
16 Program for fiscal year 2018 as the original
17 Baseline Estimate, except that the Secretary
18 shall not carry out subparagraph (B) or sub-
19 paragraph (C) of section 2433a(c)(1) of such
20 title with respect to the Program.

21 (B) In carrying out the review required by
22 section 2433a of such title, the Secretary shall
23 not enter into a transaction under section 2371
24 or 2371b of such title, exercise an option under
25 such a transaction, or otherwise extend such a

1 transaction with respect to the B-52 Commer-
2 cial Engine Replacement Program except to the
3 extent determined necessary by the milestone
4 decision authority, on a non-delegable basis, to
5 ensure that the program can be restructured as
6 intended by the Secretary without unnecessarily
7 wasting resources.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “Baseline Estimate” has the
10 meaning given the term in section 2433(a)(2) of title
11 10, United States Code.

12 (2) The term “milestone decision authority”
13 has the meaning given the term in section
14 2366b(g)(3) of title 10, United States Code.

15 (3) The term “original Baseline Estimate” has
16 the meaning given the term in section 2435(d)(1) of
17 title 10, United States Code.

18 (4) The term “Selected Acquisition Report”
19 means a Selected Acquisition Report submitted to
20 Congress under section 2432 of title 10, United
21 States Code.

1 **SEC. 133. INVENTORY REQUIREMENTS AND LIMITATIONS**
2 **RELATING TO CERTAIN AIR REFUELING**
3 **TANKER AIRCRAFT.**

4 (a) **MINIMUM INVENTORY REQUIREMENTS FOR KC-**
5 **10A AIRCRAFT.—**

6 (1) **FISCAL YEAR 2022.—**During the period be-
7 ginning on October 1, 2021, and ending on October
8 1, 2022, the Secretary of the Air Force shall, except
9 as provided in paragraph (3), maintain a minimum
10 of 36 KC-10A aircraft designated as primary mis-
11 sion aircraft inventory.

12 (2) **FISCAL YEAR 2023.—**During the period be-
13 ginning on October 1, 2022, and ending on October
14 1, 2023, the Secretary of the Air Force shall, except
15 as provided in paragraph (3), maintain a minimum
16 of 24 KC-10A aircraft designated as primary mis-
17 sion aircraft inventory.

18 (3) **EXCEPTION.—**The requirements of para-
19 graphs (1) and (2) shall not apply to individual KC-
20 10A aircraft that the Secretary of the Air Force de-
21 termines, on a case-by-case basis, to be no longer
22 mission capable because of mishaps, other damage,
23 or being uneconomical to repair.

24 (b) **LIMITATION ON RETIREMENT OF KC-135 AIR-**
25 **CRAFT.—**

1 (1) LIMITATION.—Except as provided in para-
2 graph (2), the Secretary of the Air Force may not
3 retire more than 18 KC–135 aircraft during the pe-
4 riod beginning on the date of the enactment of this
5 Act and ending on October 1, 2023.

6 (2) EXCEPTION.—The limitation in paragraph
7 (1) shall not apply to individual KC–135 aircraft
8 that the Secretary of the Air Force determines, on
9 a case-by-case basis, to be no longer mission capable
10 because of mishaps, other damage, or being uneco-
11 nomical to repair.

12 (c) PROHIBITION ON REDUCTION OF KC–135 AIR-
13 CRAFT IN PMAI OF THE RESERVE COMPONENTS.—None
14 of the funds authorized to be appropriated by this Act or
15 otherwise made available for fiscal year 2022 for the Air
16 Force may be obligated or expended to reduce the number
17 of KC–135 aircraft designated as primary mission aircraft
18 inventory within the reserve components of the Air Force.

19 (d) PRIMARY MISSION AIRCRAFT INVENTORY DE-
20 FINED.—In this section, the term “primary mission air-
21 craft inventory” has the meaning given that term in sec-
22 tion 9062(i)(2)(B) of title 10, United States Code.

1 **SEC. 134. MINIMUM INVENTORY OF TACTICAL AIRLIFT AIR-**
2 **CRAFT AND LIMITATION ON MODIFICATION**
3 **OF AIR NATIONAL GUARD TACTICAL AIRLIFT**
4 **FLYING MISSIONS.**

5 (a) **MINIMUM INVENTORY REQUIREMENT.**—During
6 the period beginning on October 1, 2021, and ending on
7 October 1, 2026, the Secretary of the Air Force shall
8 maintain a total inventory of tactical airlift aircraft of not
9 less than 279 aircraft.

10 (b) **EXCEPTION.**—The Secretary of the Air Force
11 may reduce the number of tactical airlift aircraft in the
12 Air Force below the minimum number specified in sub-
13 section (a) if the Secretary determines, on a case-by-case
14 basis, that an aircraft is no longer mission capable because
15 of a mishap or other damage.

16 (c) **LIMITATION ON MODIFICATION OF AIR NA-**
17 **TIONAL GUARD TACTICAL AIRLIFT FLYING MISSIONS.**—
18 The Secretary of the Air Force may not modify the flying
19 mission of a tactical airlift unit of the Air National Guard
20 unless—

21 (1) the Secretary and the Governor of the State
22 concerned agree, in writing, to such modification;
23 and

24 (2) the Secretary submits to the congressional
25 defense committees a copy of such agreement to-

1 gether with an explanation of the reasons for such
2 modification.

3 **SEC. 135. PROCUREMENT AUTHORITY FOR CERTAIN PARTS**
4 **OF THE GROUND-BASED STRATEGIC DETER-**
5 **RENT CRYPTOGRAPHIC DEVICE.**

6 (a) IN GENERAL.—The Secretary of the Air Force
7 may enter into contracts for the life-of-type procurement
8 of covered parts supporting the KS-75 cryptographic de-
9 vice under the Ground Based Strategic Deterrent pro-
10 gram.

11 (b) COVERED PARTS DEFINED.—In this section the
12 term “covered parts” means commercially available off-
13 the-shelf items as defined in section 104 of title 41, United
14 States Code.

15 (c) AVAILABILITY OF FUNDS.—Notwithstanding sec-
16 tion 1502(a) of title 31, United States Code, of the
17 amount authorized to be appropriated for fiscal year 2022
18 by section 101 and available for missile procurement, Air
19 Force, as specified in the corresponding funding table in
20 section 4101, \$10,900,000 shall be available for the pro-
21 curement of covered parts pursuant to contracts entered
22 into under subsection (a).

23 **SEC. 136. SENSE OF CONGRESS ON JOINT SURVEILLANCE**
24 **TARGET ATTACK RADAR SYSTEM AIRCRAFT.**

25 It is the sense of Congress that—

1 (1) the Joint Surveillance Target Attack Radar
2 System aircraft is an essential element of the air-
3 craft fleet of the Air Force; and

4 (2) before retiring any such aircraft, the Sec-
5 retary of the Air Force should strictly adhere to
6 each provision of law relating to the use, operation,
7 and retirement of such aircraft.

8 **SEC. 137. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
9 **TIREMENT OF RC-26B AIRCRAFT.**

10 (a) **LIMITATION.**—Except as provided in subsection
11 (b), none of the funds authorized to be appropriated by
12 this Act or otherwise made available for fiscal year 2022
13 for the Air Force may be obligated or expended to retire,
14 divest, realign, or place in storage or on backup aircraft
15 inventory status, or to prepare to retire, divest, realign,
16 or place in storage or on backup aircraft inventory status,
17 any RC-26B aircraft.

18 (b) **EXCEPTION.**—The limitation in subsection (a)
19 shall not apply to individual RC-26B aircraft that the
20 Secretary of the Air Force determines, on a case-by-case
21 basis, to be no longer mission capable because of mishaps
22 or other damage.

23 (c) **FUNDING FOR RC-26B MANNED INTELLIGENCE,**
24 **SURVEILLANCE, AND RECONNAISSANCE PLATFORM.**—

1 (1) OPERATION AND MAINTENANCE.—Of the
2 funds authorized to be appropriated in section 301
3 for operation and maintenance, as specified in the
4 corresponding funding table in section 4301, for op-
5 eration and maintenance, Air National Guard, the
6 Secretary of the Air Force may transfer up to
7 \$18,500,000 to be used in support of the RC-26B
8 manned intelligence, surveillance, and reconnais-
9 sance platform.

10 (2) MILITARY PERSONNEL.—Of the funds au-
11 thORIZED to be appropriated in section 401 for mili-
12 tary personnel, as specified in the corresponding
13 funding table in section 4401, the Secretary of the
14 Air Force may transfer up to \$13,000,000 from
15 military personnel, Air National Guard to be used in
16 support of personnel who operate and maintain the
17 RC-26B manned intelligence, surveillance, and re-
18 connaissance platform.

19 (d) MEMORANDA OF AGREEMENT.—Notwithstanding
20 any other provision of law, the Secretary of Defense may
21 enter into one or more memoranda of agreement or cost-
22 sharing agreements with other departments and agencies
23 of the Federal Government under which the RC-26B air-
24 craft may be used to assist with the missions and activities
25 of such departments and agencies.

1 **SEC. 138. REPORT RELATING TO REDUCTION OF TOTAL**
2 **NUMBER OF TACTICAL AIRLIFT AIRCRAFT.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The C–130 tactical airlift aircraft fulfills a
5 wide range of intratheater airlift missions.

6 (2) Such aircraft operate out of military instal-
7 lations throughout the United States.

8 (3) The proposed total force structure ref-
9 erenced in the National Defense Authorization Act
10 for Fiscal Year 2013 called for a total force size of
11 326 C–130 aircraft.

12 (4) The Air Force included a six-year plan for
13 fiscal years 2015 through 2020 for the Air Force,
14 Air Force Reserve, and Air National Guard C–130
15 force structure, which called for a total force size of
16 300 such aircraft by fiscal year 2019.

17 (5) The 2018 Mobility Capabilities and Re-
18 quirements Study recommended a total force size of
19 300 C–130s to support wartime mobility require-
20 ments.

21 (6) The Air Force has sought to reduce the
22 number of C–130 aircraft below 300, which is incon-
23 sistent with force structure and plans referred to in
24 paragraphs (3) through (5).

25 (b) REPORT.—Not later than 180 days after the date
26 of the enactment of this Act, the Secretary of the Air

1 Force shall submit to the congressional defense commit-
2 tees a report that includes—

3 (1) with respect to the reduction of the total
4 number of tactical airlift aircraft, information relat-
5 ing to—

6 (A) the justification used for such reduc-
7 tion; and

8 (B) any consideration of domestic oper-
9 ations used in such justification;

10 (2) an analysis of the role of tactical airlift air-
11 craft in domestic operations; and

12 (3) information relating to discussions con-
13 cerning decisionmaking processes with Governors of
14 States who may be impacted by such reduction.

15 **Subtitle E—Defense-wide, Joint,**
16 **and Multiservice Matters**

17 **SEC. 141. IMPLEMENTATION OF AFFORDABILITY, OPER-**
18 **ATIONAL, AND SUSTAINMENT COST CON-**
19 **STRAINTS FOR THE F-35 AIRCRAFT PRO-**
20 **GRAM.**

21 (a) F-35A QUANTITY LIMIT FOR THE AIR FORCE.—

22 (1) LIMITATION.—Beginning on October 1,
23 2028, the total number of F-35A aircraft that the
24 Secretary of the Air Force may maintain in the air-

1 craft inventory of the Air Force may not exceed the
2 lesser of—

3 (A) 1,763; or

4 (B) the number obtained by—

5 (i) multiplying 1,763 by the cost-per-
6 tail factor determined under paragraph
7 (2); and

8 (ii) rounding the product of the cal-
9 culation under clause (i) to the nearest
10 whole number.

11 (2) COST-PER-TAIL FACTOR.—For purposes of
12 paragraph (1)(B), the cost-per-tail factor is equal
13 to—

14 (A) 4,100,000, divided by

15 (B) a number equal to the average cost-
16 per-tail-per-year of the F-35A aircraft of the
17 Air Force during fiscal year 2027 (as deter-
18 mined by the Secretary of the Air Force in ac-
19 cordance with subsection (e)).

20 (b) F-35B QUANTITY LIMIT FOR THE MARINE
21 CORPS.—

22 (1) LIMITATION.—Beginning on October 1,
23 2028, the total number of F-35B aircraft that the
24 Secretary of the Navy may maintain in the aircraft

1 inventory of the Marine Corps may not exceed the
2 lesser of—

3 (A) 353; or

4 (B) the number obtained by—

5 (i) multiplying 353 by the cost-per-tail
6 factor determined under paragraph (2);
7 and

8 (ii) rounding the product of the cal-
9 culation under clause (i) to the nearest
10 whole number.

11 (2) COST-PER-TAIL FACTOR.—For purposes of
12 paragraph (1)(B), the cost-per-tail factor is equal
13 to—

14 (A) 6,800,000, divided by

15 (B) a number equal to the average cost-
16 per-tail-per-year of the F-35B aircraft of the
17 Marine Corps during fiscal year 2027 (as deter-
18 mined by the Secretary of the Navy in accord-
19 ance with subsection (e)).

20 (c) F-35C QUANTITY LIMIT FOR THE NAVY.—

21 (1) LIMITATION.—Beginning on October 1,
22 2028, the total number of F-35C aircraft that the
23 Secretary of the Navy may maintain in the aircraft
24 inventory of the Navy may not exceed the lesser of—

25 (A) 273; or

1 (B) the number obtained by—

2 (i) multiplying 273 by the cost-per-tail
3 factor determined under paragraph (2);
4 and

5 (ii) rounding the product of the cal-
6 culation under clause (i) to the nearest
7 whole number.

8 (2) COST-PER-TAIL FACTOR.—For purposes of
9 paragraph (1)(B), the cost-per-tail factor is equal
10 to—

11 (A) 7,500,000, divided by

12 (B) a number equal to the average cost-
13 per-tail-per-year of the F-35C aircraft of the
14 Navy during fiscal year 2027 (as determined by
15 the Secretary of the Navy in accordance with
16 subsection (e)).

17 (d) F-35C QUANTITY LIMIT FOR THE MARINE
18 CORPS.—

19 (1) LIMITATION.—Beginning on October 1,
20 2028, the total number of F-35C aircraft that the
21 Secretary of the Navy may maintain in the aircraft
22 inventory of the Marine Corps may not exceed the
23 lesser of—

24 (A) 67; or

25 (B) the number obtained by—

1 (i) multiplying 67 by the cost-per-tail
2 factor determined under paragraph (2);
3 and

4 (ii) rounding the product of the cal-
5 culation under clause (i) to the nearest
6 whole number.

7 (2) COST-PER-TAIL FACTOR.—For purposes of
8 paragraph (1)(B), the cost-per-tail factor is equal
9 to—

10 (A) 6,800,000, divided by

11 (B) a number equal to the average cost-
12 per-tail-per-year of the F-35C aircraft of the
13 Marine Corps during fiscal year 2027 (as deter-
14 mined by the Secretary of the Navy in accord-
15 ance with subsection (e)).

16 (e) DETERMINATION OF COST-PER-TAIL-PER-YEAR
17 FOR FISCAL YEAR 2027.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the end of fiscal year 2027—

20 (A) the Secretary of the Air Force shall
21 determine the average cost-per-tail of the F-
22 35A aircraft of the Air Force during fiscal year
23 2027; and

24 (B) the Secretary of the Navy shall deter-
25 mine the average cost-per-tail of—

1 (i) the F-35B aircraft of the Marine
2 Corps during such fiscal year;

3 (ii) the F-35C aircraft of the Navy
4 during such fiscal year; and

5 (iii) the F-35C aircraft of the Marine
6 Corps during such fiscal year.

7 (2) CALCULATION.—For purposes of paragraph
8 (1), the average cost-per-tail of a variant of an F-
9 35 aircraft of an Armed Force shall be determined
10 by—

11 (A) adding the total amount expended for
12 fiscal year 2027 (in base year fiscal 2012 dol-
13 lars) for all such aircraft in the inventory of the
14 Armed Force for—

15 (i) unit level manpower;

16 (ii) unit operations;

17 (iii) maintenance;

18 (iv) sustaining support;

19 (v) continuing system support; and

20 (vi) modifications; and

21 (B) dividing the sum obtained under sub-
22 paragraph (A) by the average number of such
23 aircraft in the inventory of the Armed Force
24 during such fiscal year.

1 (f) WAIVER AUTHORITY.—The Secretary of Defense
2 may waive the quantity limits under any of subsections
3 (a) through (d) if, prior to issuing such a waiver, the Sec-
4 retary certifies to the congressional defense committees
5 that procuring additional quantities of a variant of an F-
6 35 aircraft above the applicable quantity limit are required
7 to meet the national military strategy requirements of the
8 combatant commanders. The authority of the Secretary
9 under this subsection may not be delegated.

10 (g) AIRCRAFT DEFINED.—In this section, the term
11 “aircraft” means aircraft owned and operated by an
12 Armed Force of the United States and does not include
13 aircraft owned or operated by an armed force of a foreign
14 country.

15 **SEC. 142. LIMITATION ON AVAILABILITY OF FUNDS FOR**
16 **AIRCRAFT SYSTEMS FOR THE ARMED**
17 **OVERWATCH PROGRAM.**

18 (a) LIMITATION.—Of the funds authorized to be ap-
19 propriated by this Act or otherwise made available for fis-
20 cal year 2022 for the Department of Defense for the pro-
21 curement of aircraft systems for the armed overwatch pro-
22 gram of the United States Special Operations Command,
23 not more than 50 percent may be obligated or expended
24 until the date on which the documentation described in

1 subsection (b) is submitted to the congressional defense
2 committees.

3 (b) DOCUMENTATION DESCRIBED.—The documenta-
4 tion described in this subsection is the airborne intel-
5 ligence, surveillance, and reconnaissance acquisition road-
6 map for the United States Special Operations Command
7 required to be submitted to the congressional defense com-
8 mittees under section 165 of the William M. (Mac) Thorn-
9 berry National Defense Authorization Act for Fiscal Year
10 2021 (Public Law 116–283).

11 (c) REQUIREMENT TO MAINTAIN CAPABILITIES.—
12 Until such time as the Secretary of Defense identifies a
13 suitable replacement for the U–28 aircraft, the Secretary
14 shall maintain the U–28 aircraft platform to provide nec-
15 essary capabilities to sustain operations to meet the oper-
16 ational intelligence, surveillance, and reconnaissance re-
17 quirements of combatant commanders.

18 **SEC. 143. MAJOR WEAPON SYSTEMS CAPABILITY ASSESS-**
19 **MENT PROCESS AND PROCEDURE REVIEW**
20 **AND REPORT.**

21 (a) REVIEW.—The Secretary of Defense shall review,
22 and modify as appropriate, the processes of the Depart-
23 ment for the management of strategic risk with respect
24 to capabilities of major weapon systems, including the
25 processes for—

1 (1) ensuring the suitability of major weapon
2 systems to address current and emerging military
3 threats; and

4 (2) identifying for upgrade or replacement any
5 fielded major weapon system that is not capable of
6 effectively meeting operational requirements.

7 (b) REPORT.—Not later than one year after the date
8 of the enactment of this section, the Secretary of Defense
9 shall submit to the congressional defense committees and
10 the Comptroller General of the United States a report con-
11 taining the following:

12 (1) A comprehensive description of the current
13 policies and processes of the Department of Defense
14 for—

15 (A) assessing the effectiveness, and the
16 costs, of fielded major weapon systems in ad-
17 dressing the current, mid-term, and long-term
18 threats identified in the contingency plans of
19 the combatant commands;

20 (B) assessing tradeoffs, including in terms
21 of resources, funding, time, capabilities, and
22 programmatic and operational risk, between de-
23 veloping a new major weapon system compared
24 to—

1 (i) continued use of a fielded major
2 weapon system; and

3 (ii) replacing a fielded major weapon
4 system;

5 (C) developing strategies for the continued
6 use or replacement of fielded major weapon sys-
7 tems that ensure that the capabilities of major
8 weapon systems are viable and resilient against
9 evolving threats; and

10 (D) developing and implementing plans for
11 the replacement and divestment of fielded major
12 weapon systems that manage the related stra-
13 tegic risk.

14 (2) The key factors considered by the Secretary
15 of Defense when applying the policies and processes
16 described in paragraph (1).

17 (3) An assessment of the extent to which the
18 policies and processes described in paragraph (1) en-
19 able the Secretary of Defense to—

20 (A) evaluate, at regular intervals, whether
21 a major weapon system—

22 (i) meets operational requirements;
23 and

1 (ii) is capable of addressing emerging
2 and evolving threats identified in the Na-
3 tional Defense Strategy;

4 (B) efficiently and effectively determine if
5 a fielded major weapon system should continue
6 to be used or replaced and divested and—

7 (i) with respect to a fielded major
8 weapon system that should continue to be
9 used, how long such use should continue;
10 and

11 (ii) with respect to a fielded major
12 weapon system that should be replaced and
13 divested—

14 (I) how long such replacement
15 will take;

16 (II) the period over which such
17 divestment should occur; and

18 (III) the expected improvements
19 in the effectiveness of the replacement
20 major weapon system to meet oper-
21 ational requirements;

22 (C) effectively implement the determina-
23 tions described in subparagraph (B); and

1 (D) manage strategic risk relative to the
2 effectiveness of major weapon systems meeting
3 operational requirements.

4 (4) An identification of the fielded major weap-
5 on systems with respect to which the Secretary of
6 Defense completed replacement or divestment during
7 the period beginning on January 1, 2010, and end-
8 ing on the date on which the report is submitted
9 under this subsection.

10 (5) An assessment of the processes involved in
11 the decisions of the Secretary of Defense to replace
12 and divest the fielded major weapon systems identi-
13 fied under paragraph (4), including an assessment
14 of the effectiveness in meeting operational require-
15 ments and the timeliness of those processes involved
16 in making replacement decisions.

17 (6) An identification of any fielded major weap-
18 on systems with respect to which, as of the date on
19 which the report is submitted under this subsection,
20 the Secretary of Defense plans to complete replace-
21 ment or divestment not later than December 31,
22 2035.

23 (7) An analysis of the plans of the Secretary of
24 Defense with respect to replacing or divesting the

1 fielded major weapon systems identified under para-
2 graph (6), including—

3 (A) the rationale supporting such replace-
4 ment or divestment plans;

5 (B) any anticipated challenges to carrying
6 out the replacement or divestments; and

7 (C) a description of how the Secretary of
8 Defense will manage at an appropriate level the
9 strategic risk relative to the availability and ef-
10 fectiveness of the fielded major weapons sys-
11 tems to be divested, including a description of
12 any risk mitigation plans.

13 (8) An identification of the major weapon sys-
14 tem upgrade efforts and the research, development,
15 and acquisition programs to replace fielded major
16 weapon systems that the Secretary of Defense—

17 (A) began after December 31, 2009; or

18 (B) as of the date on which the report is
19 submitted under this subsection, plans to begin
20 not later than December 31, 2035.

21 (9) An assessment of how the replacement
22 major weapon systems from the programs identified
23 under paragraph (8) will meet current and future
24 operational requirements in the National Defense
25 Strategy.

1 (c) COMPTROLLER GENERAL BRIEFING AND RE-
2 PORT.—

3 (1) ASSESSMENTS.—The Comptroller General
4 of the United States shall conduct a preliminary as-
5 sessment and a detailed assessment of the report re-
6 quired under subsection (b).

7 (2) BRIEFING.—Not later than 180 days after
8 the date on which the Secretary of Defense submits
9 to the Comptroller General the report required
10 under subsection (b), the Comptroller General shall
11 brief the congressional defense committees on the
12 preliminary assessment of such report required
13 under paragraph (1).

14 (3) REPORT.—The Comptroller General shall
15 submit to the congressional defense committees a re-
16 port on the findings of the detailed assessment re-
17 quired under paragraph (1).

18 (d) DEFINITIONS.—In this section:

19 (1) The term “National Defense Strategy”
20 means the strategy required under section 113(g) of
21 title 10, United States Code.

22 (2) The term “major weapon system” has the
23 meaning given such term under section 2379(f) of
24 title 10, United States Code.

1 (3) The term “strategic risk” means a risk arising from updating or replacing a major weapon system, or the decision to not update or replace a major weapon system.

5 **SEC. 144. REPORTS ON EXERCISE OF WAIVER AUTHORITY**
6 **WITH RESPECT TO CERTAIN AIRCRAFT EJECTION SEATS.**
7

8 Not later than February 1, 2022, and on a semi-annual basis thereafter through February 1, 2024, the Secretary of the Air Force and the Secretary of the Navy shall each submit to the congressional defense committees a report that includes, with respect to each location at which active flying operations are conducted or planned as of the date report—

15 (1) the number of aircrew ejection seats installed in the aircraft used, or expected to be used, at such location;

18 (2) of the ejection seats identified under paragraph (1), the number that have been, or are expected to be, placed in service subject to a waiver due to—

22 (A) deferred maintenance; or

23 (B) the inability to obtain parts to make repairs or to fulfill time-compliance technical orders; and

1 (3) for each ejection seat subject to a waiver as
2 described in paragraph (2)—

3 (A) the date on which the waiver was
4 issued; and

5 (B) the name and title of the official who
6 authorized the waiver.

7 **SEC. 145. BRIEFING ON MILITARY TYPE CERTIFICATIONS**
8 **FOR AIRCRAFT.**

9 (a) **BRIEFING REQUIRED.**—Not later than April 30,
10 2022, the Secretary of the Air Force, or the Secretary’s
11 designee, shall provide to the congressional defense com-
12 mittees a briefing on the process for evaluating and grant-
13 ing military type certifications for aircraft.

14 (b) **ELEMENTS.**—The briefing under subsection (a)
15 shall include a detailed overview of the process for grant-
16 ing military type certifications for aircraft, including the
17 following:

18 (1) The evaluation criteria used for determining
19 the suitability of an aircraft to receive a military
20 type certification, including the threshold require-
21 ments for obtaining such a certification.

22 (2) Whether commercially available data is used
23 as part of the evaluation process, and if commer-
24 cially available data is not used, an explanation of
25 the reasons such data is not used.

1 (3) The list of aircraft granted military type
2 certifications over the past 10 years.

3 (4) The national security implications taken
4 into account when determining the suitability of an
5 aircraft for a military type certification.

6 (c) FORM.—The briefing under subsection (a) shall
7 be submitted in unclassified format but may include a
8 classified annex.

9 (d) SUBMITTAL OF MATERIALS.—The Secretary of
10 the Air Force shall deliver any materials relevant to the
11 briefing to the congressional defense committees before
12 the date of the briefing.

13 **TITLE II—RESEARCH, DEVELOP-**
14 **MENT, TEST, AND EVALUA-**
15 **TION**

16 **Subtitle A—Authorization of**
17 **Appropriations**

18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2022 for the use of the Department of Defense
21 for research, development, test, and evaluation, as speci-
22 fied in the funding table in section 4201.

1 **Subtitle B—Program Requirements, Restrictions, and Limitations**
2
3

4 **SEC. 211. DUTIES AND REGIONAL ACTIVITIES OF THE DE-**
5 **FENSE INNOVATION UNIT.**

6 (a) DUTIES OF DIU JOINT RESERVE DETACH-
7 MENT.—Clause (ii) of section 2358b(c)(2)(B) of title 10,
8 United States Code, is amended to read as follows:

9 “(ii) the technology requirements of
10 the Department of Defense, as identified
11 in the most recent—

12 “(I) National Defense Strategy;

13 “(II) National Defense Science
14 and Technology Strategy as directed
15 under section 218 of the John S.
16 McCain National Defense Authoriza-
17 tion Act for Fiscal Year 2019 (Public
18 Law 115–232; 132 Stat. 1679); and

19 “(III) policy and guidance from
20 the Under Secretary of Defense for
21 Research and Engineering and the
22 Under Secretary of Defense for Acqui-
23 sition and Sustainment; and”.

24 (b) REGIONAL ACTIVITIES.—Subject to the avail-
25 ability of appropriations for such purpose, the Secretary

1 of Defense may expand the efforts of the Defense Innova-
2 tion Unit to engage and collaborate with private-sector in-
3 dustry and communities in various regions of the United
4 States—

5 (1) to accelerate the adoption of commercially
6 developed advanced technology in the areas of manu-
7 facturing, space, energy, materials, autonomy, and
8 such other key technology areas as may be identified
9 by the Secretary; and

10 (2) to expand outreach to communities that do
11 not otherwise have a Defense Innovation Unit pres-
12 ence, including economically disadvantaged commu-
13 nities.

14 **SEC. 212. MODIFICATION OF MECHANISMS FOR EXPEDITED**
15 **ACCESS TO TECHNICAL TALENT AND EXPER-**
16 **TISE AT ACADEMIC INSTITUTIONS TO SUP-**
17 **PORT DEPARTMENT OF DEFENSE MISSIONS.**

18 Section 217 of the National Defense Authorization
19 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
20 2358 note) is amended—

21 (1) by amending subsection (c) to read as fol-
22 lows:

23 “(c) CONSULTATION WITH OTHER ORGANIZA-
24 TIONS.—For the purposes of providing technical expertise
25 and reducing costs and duplicative efforts, the Secretary

1 of Defense and the Secretaries of the military departments
2 shall work to ensure and support the sharing of informa-
3 tion on the research and consulting that is being carried
4 out across the Federal Government in Department-wide
5 shared information systems including the Defense Tech-
6 nical Information Center.”;

7 (2) in subsection (e)—

8 (A) by redesignating paragraph (31) as
9 paragraph (33); and

10 (B) by inserting after paragraph (30) the
11 following new paragraphs:

12 “(31) Nuclear science, security, and non-
13 proliferation.

14 “(32) Chemical, biological, radiological, and nu-
15 clear defense.”; and

16 (3) in subsection (g), by striking “2026” and
17 inserting “2028”.

18 **SEC. 213. MODIFICATION OF MECHANISMS FOR EXPEDITED**
19 **ACCESS TO TECHNICAL TALENT AND EXPER-**
20 **TISE AT ACADEMIC INSTITUTIONS.**

21 Section 217(e) of the National Defense Authorization
22 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
23 2358 note), as amended by section 212 of this title, is
24 further amended—

1 (1) by redesignating paragraph (33) as para-
2 graph (34); and

3 (2) by inserting after paragraph (32) the fol-
4 lowing new paragraph:

5 “(33) Spectrum activities.”.

6 **SEC. 214. MINORITY INSTITUTE FOR DEFENSE RESEARCH.**

7 (a) **PLAN TO ESTABLISH MINORITY INSTITUTE FOR**
8 **DEFENSE RESEARCH.—**

9 (1) **IN GENERAL.—**Not later than 1 year after
10 the date of the enactment of this section, the Sec-
11 retary shall submit to the congressional defense com-
12 mittees a plan (in this section referred to as the
13 “Plan”) for the establishment of the Minority Insti-
14 tute for Defense Research (in this section referred to
15 as the “Consortium”).

16 (2) **ELEMENTS.—**The Plan shall include the fol-
17 lowing:

18 (A) Information relating to the projected
19 needs of the Department for the next twenty
20 years with respect to essential engineering, re-
21 search, or development capability.

22 (B) An assessment relating to the engi-
23 neering, research, and development capability,
24 including physical infrastructure, of each minor-
25 ity institution.

1 (C) Information relating to the advance-
2 ments and investments necessary to elevate a
3 minority institution or a consortium of minority
4 institutions (including historically black colleges
5 and universities) to the research capacity of a
6 University Affiliated Research Center.

7 (D) Recommendations relating to actions
8 that may be taken by the Department, Con-
9 gress, and minority institutions to establish the
10 Consortium within 10 years.

11 (3) CONSULTATION.—In developing the plan
12 under paragraph (1), the Secretary shall consult
13 with the following:

14 (A) The Secretary of Education.

15 (B) The Secretary of Agriculture.

16 (C) The Secretary of Energy.

17 (D) The Administrator of the National
18 Aeronautics and Space Administration.

19 (E) The National Science Foundation.

20 (F) Such other organizations as the Sec-
21 retary considers appropriate.

22 (4) PUBLICLY AVAILABLE.—The Plan shall be
23 posted on a publicly available website of the Depart-
24 ment.

1 (b) NAMING OF THE CONSORTIUM.—With respect to
2 the naming of the Consortium, the Secretary shall—

3 (1) establish a process to solicit and review pro-
4 posals of names from—

5 (A) minority institutions;

6 (B) nonprofit institutions that advocate on
7 behalf of minority institutions; and

8 (C) members of the public;

9 (2) develop a list of all names received pursuant
10 to paragraph (1);

11 (3) provide opportunity for public comment on
12 the names included on such list; and

13 (4) choose a name from such list to name the
14 Consortium.

15 (c) GRANT PROGRAM FOR HISTORICALLY BLACK
16 COLLEGES AND UNIVERSITIES AND MINORITY INSTITU-
17 TIONS.—

18 (1) IN GENERAL.—The Secretary may establish
19 a program to award grants, on a competitive basis,
20 to minority institutions for the purposes described in
21 paragraph (2).

22 (2) PURPOSES.—The purposes described in this
23 paragraph are the following:

24 (A) Establishing a legal entity for the pur-
25 pose of entering into research contracts or

1 agreements with the Federal Government or the
2 Consortium.

3 (B) Developing the capability to bid on
4 Federal Government or Consortium contracts.

5 (C) Requesting technical assistance from
6 the Federal Government or a private entity with
7 respect to contracting with the Federal Govern-
8 ment or the Consortium.

9 (D) Recruiting and retaining research fac-
10 ulty.

11 (E) Advancing research capabilities, in-
12 cluding physical infrastructure, relating to the
13 national security of the United States.

14 (F) Any other matter determined appro-
15 priate by the Secretary.

16 (3) APPLICATION.—To be eligible to receive a
17 grant under this section, a minority institution shall
18 submit to the Secretary an application in such form,
19 and containing such information, as the Secretary
20 may require.

21 (4) PREFERENCE.—In awarding grants pursu-
22 ant to paragraph (1), the Secretary may give pref-
23 erence to a minority institution with a R1 or R2 sta-
24 tus on the Carnegie Classification of Institutions of
25 Higher Education.

1 (d) SUBCONTRACTING REQUIREMENTS FOR MINOR-
2 ITY INSTITUTIONS.—

3 (1) IN GENERAL.—Section 2304 of title 10,
4 United States Code, is amended by adding at the
5 end the following new subsection:

6 “(m)(1) The head of an agency shall require that a
7 contract awarded to Department of Defense Federally
8 Funded Research and Development Center or University
9 Affiliated Research Center includes a requirement to es-
10 tablish a partnership to develop the capacity of minority
11 institutions to address the research and development
12 needs of the Department. Such partnerships shall be
13 through a subcontract with one or more minority institu-
14 tions for a total amount of not less than 5 percent of the
15 amount awarded in the contract.

16 “(2) For the purposes of this subsection, a minority
17 institution means—

18 “(A) a part B institution (as such term is de-
19 fined in section 322(2) of the Higher Education Act
20 of 1965 (20 U.S.C. 1061(2))); or

21 “(B) any other institution of higher education
22 (as such term is defined in section 101 of such Act
23 (20 U.S.C. 1001)) at which not less than 50 percent
24 of the total student enrollment consists of students

1 from ethnic groups that are underrepresented in the
2 fields of science and engineering.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall—

5 (A) take effect on October 1, 2026; and

6 (B) apply with respect to funds that are
7 awarded by the Department of Defense on or
8 after such date.

9 (e) DEFINITIONS.—In this section:

10 (1) The term “Department” means the Depart-
11 ment of Defense.

12 (2) The term “institution of higher education”
13 has the meaning given such term in section 101 of
14 the Higher Education Act of 1965 (20 U.S.C.
15 1001).

16 (3) The term “historically black college or uni-
17 versity” means a part B institution (as such term is
18 defined in section 322(2) of the Higher Education
19 Act of 1965 (20 U.S.C. 1061(2))).

20 (4) The term “minority institution” means—

21 (A) a historically black college or univer-
22 sity; or

23 (B) any institution of higher education at
24 which not less than 50 percent of the total stu-
25 dent enrollment consists of students from ethnic

1 groups that are underrepresented in the fields
2 of science and engineering.

3 (5) The term “Secretary” means the Secretary
4 of Defense.

5 (6) The term “University Affiliated Research
6 Center” means a research organization within an in-
7 stitution of higher education that—

8 (A) provides or maintains Department es-
9 sential engineering, research, or development
10 capabilities; and

11 (B) receives sole source contract funding
12 from the Department pursuant to section
13 2304(c)(3)(B) of title 10, United States Code.

14 **SEC. 215. TEST PROGRAM FOR ENGINEERING PLANT OF**
15 **DDG(X) DESTROYER VESSELS.**

16 (a) TEST PROGRAM REQUIRED.—During the detailed
17 design period and prior to the construction start date of
18 the lead ship in the DDG(X) destroyer class of vessels,
19 the Secretary of the Navy shall commence a land-based
20 test program for the engineering plant of such class of
21 vessels.

22 (b) ADMINISTRATION.—The test program required by
23 subsection (a) shall be administered by the Senior Tech-
24 nical Authority for the DDG(X) destroyer class of vessels.

1 (c) ELEMENTS.—The test program required by sub-
2 section (a) shall include, at a minimum, testing of the fol-
3 lowing equipment in vessel-representative form:

- 4 (1) Main reduction gear.
- 5 (2) Electrical propulsion motors.
- 6 (3) Other propulsion drive train components.
- 7 (4) Main propulsion system.
- 8 (5) Auxiliary propulsion unit.
- 9 (6) Electrical generation and distribution sys-
10 tems.
- 11 (7) Shipboard control systems.
- 12 (8) Power control modules.

13 (d) TEST OBJECTIVES.—The test program required
14 by subsection (a) shall include, at a minimum, the fol-
15 lowing test objectives demonstrated across the full range
16 of engineering plant operations for the DDG(X) destroyer
17 class of vessels:

- 18 (1) Test of the full propulsion drive train.
- 19 (2) Test and facilitation of machinery control
20 systems integration.
- 21 (3) Simulation of the full range of electrical de-
22 mands to enable the investigation of load dynamics
23 between the hull, mechanical and electrical equip-
24 ment, the combat system, and auxiliary equipment.

1 (e) COMPLETION DATE.—The Secretary of the Navy
2 shall complete the test program required by subsection (a)
3 by not later than the delivery date of the lead ship in the
4 DDG(X) destroyer class of vessels.

5 (f) DEFINITIONS.—In this section:

6 (1) DELIVERY DATE.—The term “delivery
7 date” has the meaning given that term in section
8 8671 of title 10, United States Code.

9 (2) SENIOR TECHNICAL AUTHORITY.—The term
10 “Senior Technical Authority” means the official des-
11 ignated as the Senior Technical Authority for the
12 DDG(X) destroyer class of vessels pursuant to sec-
13 tion 8669b of title 10, United States Code.

14 **SEC. 216. CONSORTIUM TO STUDY IRREGULAR WARFARE.**

15 (a) ESTABLISHMENT.—The Secretary of Defense,
16 acting through the Under Secretary of Defense for Re-
17 search and Engineering, shall establish a research consor-
18 tium of institutions of higher education to study irregular
19 warfare and the responses to irregular threats.

20 (b) PURPOSES.—The purposes of the consortium
21 under subsection (a) are as follows:

22 (1) To shape the formulation and application of
23 policy through the conduct of research and analysis
24 regarding irregular warfare.

1 (2) To maintain open-source databases on
2 issues relevant to understanding terrorism, irregular
3 threats, and social and environmental change.

4 (3) To serve as a repository for datasets re-
5 garding research on security, social change, and ir-
6 regular threats developed by institutions of higher
7 education that receive Federal funding.

8 (4) To support basic research in social science
9 on emerging threats and stability dynamics relevant
10 to irregular threat problem sets.

11 (5) To transition promising basic research—

12 (A) to higher stages of research and devel-
13 opment, and

14 (B) into operational capabilities, as appro-
15 priate, by supporting applied research and de-
16 veloping tools to counter irregular threats.

17 (6) To facilitate the collaboration of research
18 centers of excellence relating to irregular threats to
19 better distribute expertise to specific issues and sce-
20 narios regarding such threats.

21 (7) To enhance educational outreach and teach-
22 ing at professional military education schools to im-
23 prove—

24 (A) the understanding of irregular threats;

25 and

1 (B) the integration of data-based responses
2 to such threats.

3 (8) To support classified research when nec-
4 essary in appropriately controlled physical spaces.

5 (c) COORDINATION.—The Under Secretary of De-
6 fense for Research and Engineering shall coordinate ac-
7 tivities conducted under this section with the Commander
8 of the United States Special Operations Command.

9 (d) PARTNERSHIPS.—The Under Secretary of De-
10 fense for Research and Engineering shall encourage part-
11 nerships between the consortium and university-affiliated
12 research centers and other research institutions.

13 (e) INSTITUTION OF HIGHER EDUCATION DE-
14 FINED.—In this section, the term “institution of higher
15 education” has the meaning given that term in section 101
16 of the Higher Education Act of 1965 (20 U.S.C. 1001).

17 **SEC. 217. DEVELOPMENT AND IMPLEMENTATION OF DIG-**

18 **ITAL TECHNOLOGIES FOR SURVIVABILITY**

19 **AND LETHALITY TESTING.**

20 (a) EXPANSION OF SURVIVABILITY AND LETHALITY
21 TESTING.—

22 (1) IN GENERAL.—The Secretary, in coordina-
23 tion with covered officials, shall—

1 (A) expand the survivability and lethality
2 testing of covered systems to include testing
3 against non-kinetic threats; and

4 (B) develop digital technologies to test
5 such systems against such threats throughout
6 the life cycle of each such system.

7 (2) DEVELOPMENT OF DIGITAL TECHNOLOGIES
8 FOR LIVE FIRE TESTING.—

9 (A) IN GENERAL.—The Secretary, in co-
10 ordination with covered officials, shall develop—

11 (i) digital technologies to enable the
12 modeling and simulation of the live fire
13 testing required under section 2366 of title
14 10, United States Code; and

15 (ii) a process to use data from phys-
16 ical live fire testing to inform and refine
17 the digital technologies described in clause
18 (i).

19 (B) OBJECTIVES.—In carrying out sub-
20 paragraph (A), the Secretary shall seek to
21 achieve the following objectives:

22 (i) Enable assessments of full spec-
23 trum survivability and lethality of each
24 covered system with respect to kinetic and
25 non-kinetic threats.

1 (ii) Inform the development and re-
2 finement of digital technology to test and
3 improve covered systems.

4 (iii) Enable survivability and lethality
5 assessments of the warfighting capabilities
6 of a covered system with respect to—

7 (I) communications;

8 (II) firepower;

9 (III) mobility;

10 (IV) catastrophic survivability;

11 and

12 (V) lethality.

13 (C) DEMONSTRATION ACTIVITIES.—

14 (i) IN GENERAL.—The Secretary, act-
15 ing through the Director, shall carry out
16 activities to demonstrate the digital tech-
17 nologies for full spectrum survivability
18 testing developed under subparagraph (A).

19 (ii) PROGRAM SELECTION.—The Sec-
20 retary shall assess and select not fewer
21 than three and not more than ten pro-
22 grams of the Department to participate in
23 the demonstration activities required under
24 clause (i).

1 (iii) ARMED FORCES PROGRAMS.—Of
2 the programs selected pursuant to clause
3 (ii), the Director shall select—

4 (I) at least one such program
5 from the Army;

6 (II) at least one such program
7 from the Navy or the Marine Corps;
8 and

9 (III) at least one such program
10 from the Air Force or the Space
11 Force.

12 (3) REGULAR SURVIVABILITY AND LETHALITY
13 TESTING THROUGHOUT LIFE CYCLE.—

14 (A) IN GENERAL.—The Secretary, in co-
15 ordination with covered officials, shall—

16 (i) develop a process to regularly test
17 through the use of digital technologies the
18 survivability and lethality of each covered
19 system against kinetic and non-kinetic
20 threats throughout the life cycle of such
21 system as threats evolve; and

22 (ii) establish guidance for such test-
23 ing.

1 (B) ELEMENTS.—In carrying out subpara-
2 graph (A), the Secretary shall determine the
3 following:

4 (i) When to deploy digital technologies
5 to provide timely and up-to-date insights
6 with respect to covered systems without
7 unduly delaying fielding of capabilities.

8 (ii) The situations in which it may be
9 necessary to develop and use digital tech-
10 nologies to assess legacy fleet
11 vulnerabilities.

12 (b) REPORTS AND BRIEFING.—

13 (1) ASSESSMENT AND SELECTION OF PRO-
14 GRAMS.—Not later than 180 days after the date of
15 the enactment of this Act, the Secretary shall submit
16 to the congressional defense committees a report
17 that identifies the programs selected to participate
18 in the demonstration activities under subsection
19 (a)(2)(C).

20 (2) MODERNIZATION AND DIGITIZATION RE-
21 PORT.—

22 (A) IN GENERAL.—Not later than March
23 15, 2023, the Director shall submit to the con-
24 gressional defense committees a report that in-
25 cludes—

1 (i) an assessment of the progress of
2 the Secretary in carrying out subsection
3 (a);

4 (ii) an assessment of each of the dem-
5 onstration activities carried out under sub-
6 section (a)(2)(C), including a comparison
7 of—

8 (I) the risks, benefits, and costs
9 of using digital technologies for live
10 fire testing and evaluation; and

11 (II) the risks, benefits, and costs
12 of traditional physical live fire testing
13 approaches that—

14 (aa) are not supported by
15 digital technologies;

16 (bb) do not include testing
17 against non-kinetic threats; and

18 (cc) do not include full spec-
19 trum survivability.

20 (iii) an explanation of—

21 (I) how real-world operational
22 and digital survivability and lethality
23 testing data will be used to inform
24 and enhance digital technology;

- 1 (II) the contribution of such data
2 to the digital modernization efforts re-
3 quired under section 836 of the Wil-
4 liam M. (Mac) Thornberry National
5 Defense Authorization Act for Fiscal
6 Year 2021 (Public Law 116–283);
7 and
- 8 (III) the contribution of such
9 data to the decision-support processes
10 for managing and overseeing acquisi-
11 tion programs of the Department;
- 12 (iv) an assessment of the ability of the
13 Department to perform full spectrum sur-
14 vivability and lethality testing of each cov-
15 ered system with respect to kinetic and
16 non-kinetic threats;
- 17 (v) an assessment of the processes im-
18 plemented by the Department to manage
19 digital technologies developed pursuant to
20 subsection (a); and
- 21 (vi) an assessment of the processes
22 implemented by the Department to develop
23 digital technology that can perform full
24 spectrum survivability and lethality testing

1 with respect to kinetic and non-kinetic
2 threats.

3 (B) BRIEFING.—Not later than April 14,
4 2023, the Director shall provide to the congress-
5 sional defense committees a briefing that identi-
6 fies any changes to existing law that may be
7 necessary to implement subsection (a).

8 (c) DEFINITIONS.—In this section:

9 (1) COVERED OFFICIALS.—The term “covered
10 officials” means—

11 (A) the Under Secretary of Defense for
12 Research and Engineering;

13 (B) the Under Secretary of Defense for
14 Acquisition and Sustainment;

15 (C) the Chief Information Officer;

16 (D) the Director;

17 (E) the Director of Cost Assessment and
18 Program Evaluation;

19 (F) the Service Acquisition Executives;

20 (G) the Service testing commands;

21 (H) the Director of the Defense Digital
22 Service; and

23 (I) representatives from—

24 (i) the Department of Defense Test
25 Resource Management Center;

1 (ii) the High Performance Computing
2 Modernization Program Office; and

3 (iii) the Joint Technical Coordination
4 Group for Munitions Effectiveness.

5 (2) COVERED SYSTEM.—The term “covered sys-
6 tem” means any warfighting capability that can de-
7 grade, disable, deceive, or destroy forces or missions.

8 (3) DEPARTMENT.—The term “Department”
9 means the Department of Defense.

10 (4) DIGITAL TECHNOLOGIES.—The term “dig-
11 ital technologies” includes digital models, digital
12 simulations, and digital twin capabilities that may be
13 used to test the survivability and lethality of a cov-
14 ered system.

15 (5) DIRECTOR.—The term “Director” means
16 the Director of Operational Test and Evaluation.

17 (6) FULL SPECTRUM SURVIVABILITY AND
18 LETHALITY TESTING.—The term “full spectrum sur-
19 vivability and lethality testing” means a series of as-
20 sessments of the effects of kinetic and non-kinetic
21 threats on the communications, firepower, mobility,
22 catastrophic survivability, and lethality of a covered
23 system.

1 (7) NON-KINETIC THREATS.—The term “non-
2 kinetic threats” means unconventional threats, in-
3 cluding—

4 (A) cyber attacks;

5 (B) electromagnetic spectrum operations;

6 (C) chemical, biological, radiological, nu-
7 clear effects and high yield explosives; and

8 (D) directed energy weapons.

9 (8) SECRETARY.—The term “Secretary” means
10 the Secretary of Defense.

11 **SEC. 218. PILOT PROGRAM ON THE USE OF INTER-**
12 **MEDIARIES TO CONNECT THE DEPARTMENT**
13 **OF DEFENSE WITH TECHNOLOGY PRO-**
14 **DUCERS.**

15 (a) IN GENERAL.—The Secretary of Defense shall
16 carry out a pilot program to foster the transition of the
17 science and technology programs, projects, and activities
18 of the Department of Defense from the research, develop-
19 ment, pilot, and prototyping phases to full-scale implemen-
20 tation. Under the pilot program, the Secretary shall seek
21 to enter into agreements with qualified intermediaries pur-
22 suant to which the intermediaries will—

23 (1) match technology producers with programs,
24 projects, and activities of the Department that may

1 have a use for the technology developed by such pro-
2 ducers; and

3 (2) provide technical assistance to such tech-
4 nology producers on participating in the procure-
5 ment programs and acquisition processes of the De-
6 partment.

7 (b) ACTIVITIES.—A qualified intermediary that en-
8 ters into an agreement with the Secretary of Defense
9 under subsection (a) shall, pursuant to such agreement—

10 (1) guide and advise technology producers on
11 participating in the procurement programs and ac-
12 quisition processes of the Department, including—

13 (A) planning, programing, budgeting, and
14 execution processes of the Department.

15 (B) requirements processes;

16 (C) the Federal Acquisition Regulation and
17 the Department of Defense Supplement to the
18 Federal Acquisition Regulation;

19 (D) other procurement programs and au-
20 thorities, including—

21 (i) the Small Business Innovation Re-
22 search Program and the Small Business
23 Technology Transfer Program, as defined
24 in section 9(e) of the Small Business Act
25 (15 U.S.C. 638(e));

- 1 (ii) other transaction authority under
2 sections 2371 and 2371b of title 10,
3 United States Code;
- 4 (iii) cooperative agreements;
- 5 (iv) prizes for advanced technology
6 achievements under section 2374a of title
7 10, United States Code; and
- 8 (v) grant programs; and
- 9 (E) new entrant barriers and challenges,
10 including—
- 11 (i) accessing secure computing and in-
12 formation technology infrastructure; and
- 13 (ii) securing clearances for personnel
14 and facilities; and
- 15 (2) match technology producers with programs,
16 projects, and activities of the Department that may
17 have a use for the technology developed by such pro-
18 ducers, including programs, projects, and activities
19 carried out by—
- 20 (A) program executive officers (as defined
21 in section 1737(a)(4)) of title 10, United States
22 Code);
- 23 (B) program management offices;
- 24 (C) combatant commands with a command
25 acquisition executive;

1 (D) Defense Agencies and Department of
2 Defense Field Activities (as such terms are de-
3 fined, respectively, in section 101 of title 10,
4 United States Code); and

5 (E) such other elements of the Department
6 as the Secretary considers appropriate.

7 (c) PRIORITY.—In carrying out the activities de-
8 scribed in subsection (b), a qualified intermediary shall
9 give priority to technology producers that are small busi-
10 ness concerns (as defined under section 3 of the Small
11 Business Act (15 U.S.C. 632)), research institutions (as
12 defined in section 9(e) of such Act), or institutions of high-
13 er education (as defined in section 101 of the Higher Edu-
14 cation Act of 1965 (20 U.S.C 1001)).

15 (d) TERMS OF AGREEMENTS.—

16 (1) IN GENERAL.—The terms of an agreement
17 under subsection (a) shall be determined by the Sec-
18 retary of Defense.

19 (2) METHODS OF SERVICE DELIVERY.—In en-
20 tering into agreements under subsection (a), the
21 Secretary may consider, on a case by case basis,
22 whether the needs of the Department of Defense
23 and technology producers would best be served by a
24 qualified intermediary that provides services in a
25 specific geographic region, serves a particular tech-

1 nology sector, or uses another method of service de-
2 livery.

3 (3) INCENTIVES.—The Secretary of Defense
4 may include terms in an agreement under subsection
5 (a) to incentivize a qualified intermediary to success-
6 fully facilitate the transition of science and tech-
7 nology from the research, development, pilot, and
8 prototyping phases to full-scale implementation with-
9 in the Department of Defense.

10 (4) LIMITATION ON USE OF FUNDS.—The Sec-
11 retary of Defense may not use any amounts required
12 to be expended under section 9(f)(1) of the Small
13 Business Act (15 U.S.C. 638(f)(1)) for any adminis-
14 trative costs incurred by a qualified intermediary as-
15 sociated with the pilot program under this section.

16 (e) PROTECTION OF PROPRIETARY INFORMATION.—
17 The Secretary of Defense shall implement policies and
18 procedures to protect the intellectual property and any
19 other proprietary information of technology producers that
20 participate in the pilot program under this section.

21 (f) DATA COLLECTION.—

22 (1) PLAN REQUIRED BEFORE IMPLEMENTA-
23 TION.—The Secretary of Defense may not enter into
24 an agreement under subsection (a) until the date on
25 which the Secretary—

1 (A) completes a plan to for carrying out
2 the data collection required under paragraph
3 (2); and

4 (B) submits the plan to the appropriate
5 congressional committees.

6 (2) DATA COLLECTION REQUIRED.—The Sec-
7 retary of Defense shall collect and analyze data on
8 the pilot program under this section for the purposes
9 of—

10 (A) developing and sharing best practices
11 for facilitating the transition of science and
12 technology from the research, development,
13 pilot, and prototyping phases to full-scale imple-
14 mentation within the Department of Defense;

15 (B) providing information to the leadership
16 of the Department on the implementation of the
17 pilot program and related policy issues; and

18 (C) providing information to the appro-
19 priate congressional committees as required
20 under subsection (g).

21 (g) BRIEFING.—Not later than December 31, 2022,
22 the Secretary of Defense shall provide to the appropriate
23 congressional committees a briefing on the progress of the
24 Secretary in implementing the pilot program under this
25 section and any related policy issues.

1 (h) CONSULTATION.—In carrying out the pilot pro-
2 gram under this section, the Secretary of Defense shall
3 consult with—

4 (1) service acquisition executives (as defined in
5 section 101 of title 10, United States Code);

6 (2) the heads of appropriate Defense Agencies
7 and Department of Defense Field Activities;

8 (3) procurement technical assistance centers (as
9 described in chapter 142 of title 10, United States
10 Code);

11 (4) the Administrator of Federal Procurement
12 Policy; and

13 (5) such other individuals and organizations as
14 the Secretary determines appropriate.

15 (i) TERMINATION.—The pilot program under this
16 section shall terminate on the date that is five years after
17 the date on which Secretary of Defense enters into the
18 first agreement with a qualified intermediary under sub-
19 section (a).

20 (j) COMPTROLLER GENERAL ASSESSMENT AND RE-
21 PORT.—

22 (1) ASSESSMENT.—The Comptroller General of
23 the United States shall conduct an assessment of the
24 pilot program under this section. The assessment

1 shall include an evaluation of the effectiveness of the
2 pilot program with respect to—

3 (A) facilitating the transition of science
4 and technology from the research, development,
5 pilot, and prototyping phases to full-scale imple-
6 mentation within the Department of Defense;
7 and

8 (B) protecting sensitive information shared
9 among the Department of Defense, qualified
10 intermediaries, and technology producers in the
11 course of the pilot program.

12 (2) REPORT.—Not later than the date specified
13 in paragraph (3), the Comptroller General shall sub-
14 mit to the appropriate congressional committees a
15 report on the results of the assessment conducted
16 under paragraph (1).

17 (3) DATE SPECIFIED.—The date specified in
18 this paragraph is the earlier of—

19 (A) four years after the date on which the
20 Secretary of Defense enters into the first agree-
21 ment with a qualified intermediary under sub-
22 section (a): or

23 (B) five years after the date of the enact-
24 ment of this Act.

25 (k) DEFINITIONS.—In this section:

1 (1) The term “appropriate congressional com-
2 mittees” means—

3 (A) the congressional defense committees;

4 (B) the Committee on Homeland Security
5 and Governmental Affairs of the Senate; and

6 (C) the Committee on Oversight and Re-
7 form of the House of Representatives.

8 (2) The term “qualified intermediary” means a
9 nonprofit, for-profit, or State or local government
10 entity that assists, counsels, advises, evaluates, or
11 otherwise cooperates with technology producers that
12 need or can make demonstrably productive use of
13 the services provided by the intermediary pursuant
14 to the pilot program under this section.

15 (3) The term “technology producer” means an
16 individual or entity engaged in the research, develop-
17 ment, production, or distribution of science or tech-
18 nology that the Secretary of Defense determines
19 may be of use to the Department of Defense.

20 **SEC. 219. ASSESSMENT AND CORRECTION OF DEFICI-**
21 **ENCIES IN THE F-35 AIRCRAFT PILOT**
22 **BREATHING SYSTEM.**

23 (a) **TESTING AND EVALUATION REQUIRED.**—Begin-
24 ning not later than 120 days after the date of the enact-
25 ment of this Act, the Secretary of Defense, in consultation

1 with the Administrator of the National Aeronautics and
2 Space Administration, shall commence operational testing
3 and evaluation of the F-35 aircraft pilot breathing system
4 (in this section referred to as the “breathing system”)
5 to—

6 (1) determine whether the breathing system
7 complies with Military Standard 3050 (MIL-STD-
8 3050), titled “Aircraft Crew Breathing Systems
9 Using On-Board Oxygen Generating System
10 (OBOGS)”; and

11 (2) assess the safety and effectiveness of the
12 breathing system for all pilots of F-35 aircraft.

13 (b) REQUIREMENTS.—The following shall apply to
14 the testing and evaluation conducted under subsection (a):

15 (1) The pilot, aircraft systems, and operational
16 flight environment of the F-35 aircraft shall not be
17 assessed in isolation but shall be tested and evalu-
18 ated as integrated parts of the breathing system.

19 (2) The testing and evaluation shall be con-
20 ducted under a broad range of operating conditions,
21 including variable weather conditions, low-altitude
22 flight, high-altitude flight, during weapons employ-
23 ment, at critical phases of flight such as take-off
24 and landing, and in other challenging environments
25 and operating flight conditions.

1 (3) The testing and evaluation shall assess
2 operational flight environments for the pilot that
3 replicate expected conditions and durations for high
4 gravitational force loading, rapid changes in altitude,
5 rapid changes in airspeed, and varying degrees of
6 moderate gravitational force loading.

7 (4) A diverse group of F-35 pilots shall partici-
8 pate in the testing and evaluation, including—

9 (A) pilots who are test-qualified and pilots
10 who are not test-qualified

11 (B) pilots who vary in gender, physical
12 conditioning, height, weight, and age, and any
13 other attributes that the Secretary determines
14 to be appropriate.

15 (5) The F-35A, F-35B, and F-35C aircraft in-
16 volved in the testing and evaluation shall perform
17 operations with operationally representative and re-
18 alistic aircraft configurations.

19 (6) The testing and evaluation shall include as-
20 sessments of pilot life support gear and relevant
21 equipment, including the pilot breathing mask appa-
22 ratus.

23 (7) The testing and evaluation shall include
24 testing data from pilot reports, measurements of
25 breathing pressures and air delivery response timing

1 and flow, cabin pressure, air-speed, acceleration,
2 measurements of hysteresis during all phases of
3 flight, measurements of differential pressure between
4 mask and cabin altitude, and measurements of
5 spirometry and specific oxygen saturation levels of
6 the pilot immediately before and immediately after
7 each flight.

8 (8) The analysis of the safety and effectiveness
9 of the breathing system shall thoroughly assess any
10 physiological effects reported by pilots, including ef-
11 fects on health, fatigue, cognition, and perception of
12 any breathing difficulty.

13 (9) The testing and evaluation shall include the
14 participation of subject matter experts who have fa-
15 miliarity and technical expertise regarding design
16 and functions of the F-35 aircraft, its propulsion
17 system, pilot breathing system, life support equip-
18 ment, human factors, and any other systems or sub-
19 ject matter the Secretary determines necessary to
20 conduct effective testing and evaluation. At a min-
21 imum, such subject matter experts shall include
22 aerospace physiologists, engineers, flight surgeons,
23 and scientists.

24 (10) In carrying out the testing and evaluation,
25 the Secretary of Defense may seek technical support

1 and subject matter expertise from the Naval Air
2 Systems Command, the Air Force Research Labora-
3 tory, the Office of Naval Research, the National
4 Aeronautics and Space Administration, and any
5 other organization or element of the Department of
6 Defense or the National Aeronautics and Space Ad-
7 ministration that the Secretary, in consultation with
8 the Administrator of the National Aeronautics and
9 Space Administration, determines appropriate to
10 support the testing and evaluation.

11 (c) CORRECTIVE ACTIONS.—Not later than 90 days
12 after the submittal of the final report under subsection
13 (e), the Secretary of Defense shall take such actions as
14 are necessary to correct all deficiencies, shortfalls, and
15 gaps in the breathing system that were discovered or re-
16 ported as a result of the testing and evaluation under sub-
17 section (a).

18 (d) PRELIMINARY REPORT.—Not later than one year
19 after the commencement of the testing and evaluation
20 under subsection (a), the Secretary of Defense shall sub-
21 mit to the congressional defense committees a preliminary
22 report, based on the initial results of such testing and eval-
23 uation, that includes findings, recommendations, and po-
24 tential corrective actions to address deficiencies in the
25 breathing system.

1 (e) FINAL REPORT.—Not later than two years after
2 the commencement of the testing and evaluation under
3 subsection (a), the Secretary of Defense shall submit to
4 the congressional defense committees a final report that
5 includes, based on the final results of such testing and
6 evaluation—

7 (1) findings and recommendations with respect
8 to the breathing system; and

9 (2) a description of the specific actions the Sec-
10 retary will carry out to correct deficiencies in the
11 breathing system, as required under subsection (c).

12 (f) INDEPENDENT REVIEW OF FINAL REPORT.—

13 (1) IN GENERAL.—The Secretary of Defense, in
14 consultation with the Administrator of the National
15 Aeronautics and Space Administration, shall seek to
16 enter into an agreement with a federally funded re-
17 search and development center with relevant exper-
18 tise to conduct an independent sufficiency review of
19 the final report submitted under subsection (e).

20 (2) REPORT TO SECRETARY.—Not later than
21 seven months after the date on which the Secretary
22 of Defense enters into an agreement with a federally
23 funded research and development center under para-
24 graph (1), the center shall submit to the Secretary

1 a report on the results of the review conducted
2 under such paragraph.

3 (3) REPORT TO CONGRESS.—Not later than 30
4 days after the date on which the Secretary of De-
5 fense receives the report under paragraph (2), the
6 Secretary shall submit the report to the congres-
7 sional defense committees.

8 **SEC. 220. IDENTIFICATION OF THE HYPERSONICS FACILI-**
9 **TIES AND CAPABILITIES OF THE MAJOR**
10 **RANGE AND TEST FACILITY BASE.**

11 (a) IDENTIFICATION REQUIRED.—Not later than 180
12 days after the date of the enactment of this Act, the Sec-
13 retary of Defense shall—

14 (1) identify each facility and capability of the
15 Major Range and Test Facility Base that is pri-
16 marily concerned with the ground-based simulation
17 of hypersonic atmospheric flight conditions and the
18 test and evaluation of hypersonic technology in open
19 air flight; and

20 (2) identify such facilities and capabilities that
21 the Secretary would propose to designate, collec-
22 tively, as the “Hypersonics Facility Base”.

23 (b) MAJOR RANGE AND TEST FACILITY BASE.—In
24 this section, the term “Major Range and Test Facility

1 Base” has the meaning given that term in section 196(i)
2 of title 10, United States Code.

3 **SEC. 221. REQUIREMENT TO MAINTAIN ACCESS TO CAT-**
4 **EGORY 3 SUBTERRANEAN TRAINING FACIL-**
5 **ITY.**

6 (a) **REQUIREMENT TO MAINTAIN ACCESS.**—The Sec-
7 retary of Defense shall ensure that the Department of De-
8 fense maintains access to a covered category 3 subterra-
9 nean training facility on a continuing basis.

10 (b) **AUTHORITY TO ENTER INTO LEASE.**—The Sec-
11 retary of Defense is authorized to enter into a short-term
12 lease with a provider of a covered category 3 subterranean
13 training facility for purposes of compliance with sub-
14 section (a).

15 (c) **COVERED CATEGORY 3 SUBTERRANEAN TRAIN-**
16 **ING FACILITY DEFINED.**—In this section, the term “cov-
17 ered category 3 subterranean training facility” means a
18 category 3 subterranean training facility that is—

19 (1) operational as of the date of the enactment
20 of this Act; and

21 (2) deemed safe for use as of such date.

22 **SEC. 222. PROHIBITION ON REDUCTION OF NAVAL AVIA-**
23 **TION TESTING AND EVALUATION CAPACITY.**

24 (a) **PROHIBITION.**—During the period beginning on
25 the date of the enactment of this Act and ending on Octo-

ber 1, 2022, the Secretary of the Navy may not take any action that would reduce, below the levels authorized and in effect on October 1, 2020, any of the following:

(1) The aviation-related operational testing and evaluation capacity of the Department of the Navy.

(2) The billets assigned to support such capacity.

(3) The aviation force structure, aviation inventory, or quantity of aircraft assigned to support such capacity, including rotorcraft and fixed-wing aircraft.

(b) REPORT REQUIRED.—Not later than June 30, 2022, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that assesses each of the following as of the date of the report:

(1) The design and effectiveness of the testing and evaluation infrastructure and capacity of the Department of the Navy, including an assessment of whether such infrastructure and capacity is sufficient to carry out the acquisition and sustainment testing required for the aviation-related programs of the Department of Defense and the naval aviation-related programs of the Department of the Navy.

1 (2) The plans of the Secretary of the Navy to
2 reduce the testing and evaluation capacity and infra-
3 structure of the Navy with respect to naval aviation
4 in fiscal year 2022 and subsequent fiscal years, as
5 specified in the budget of the President submitted to
6 Congress on May 28, 2021.

7 (3) The technical, fiscal, and programmatic
8 issues and risks associated with the plans of the Sec-
9 retary of the Navy to delegate and task operational
10 naval aviation units and organizations to efficiently
11 and effectively execute testing and evaluation master
12 plans for various aviation-related programs and
13 projects of the Department of the Navy.

14 **SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR**
15 **CERTAIN C-130 AIRCRAFT.**

16 None of the funds authorized to be appropriated by
17 this Act or otherwise made available for fiscal year 2022
18 for the Navy may be obligated or expended to procure a
19 C-130 aircraft for testing and evaluation as a potential
20 replacement for the E-6B aircraft until the date on which
21 the Secretary of the Navy submits to the congressional
22 defense committees a report that includes the following in-
23 formation:

24 (1) The unit cost of each such C-130 test air-
25 craft.

1 (2) The life cycle sustainment plan for such C-
2 130 aircraft.

3 (3) A statement indicating whether such C-130
4 aircraft will be procured using multiyear contracting
5 authority under section 2306b of title 10, United
6 States Code.

7 (4) The total amount of funds needed to com-
8 plete the procurement of such C-130 aircraft.

9 **SEC. 224. LIMITATION ON AVAILABILITY OF FUNDS FOR VC-**
10 **25B AIRCRAFT PROGRAM PENDING SUBMIS-**
11 **SION OF DOCUMENTATION.**

12 (a) DOCUMENTATION REQUIRED.—The Secretary of
13 the Air Force shall submit to the congressional defense
14 committees an integrated master schedule for the VC-25B
15 presidential aircraft recapitalization program of the Air
16 Force.

17 (b) LIMITATION.—Of the funds authorized to be ap-
18 propriated by this Act or otherwise made available for fis-
19 cal year 2022 for the Air Force for the VC-25B aircraft,
20 not more than 50 percent may be obligated or expended
21 until the date on which the Secretary of the Air Force
22 submits to the congressional defense committees the docu-
23 mentation required under subsection (a).

1 **SEC. 225. FUNDING FOR HYPERSONICS ADVANCED MANU-**
2 **FACTURING.**

3 (a) IN GENERAL.—Of the funds authorized to be ap-
4 propriated by section 201 for research, development, test,
5 and evaluation, Defense-wide, as specified in the cor-
6 responding funding table in section 4201, for advanced
7 technology development for the Defense-wide manufac-
8 turing science and technology program, line 050
9 (PE0603680D8Z), \$15,000,000 is authorized to be used
10 in support of hypersonics advanced manufacturing.

11 (b) OFFSET.—Notwithstanding the amounts set forth
12 in the funding tables in division D, the amount authorized
13 to be appropriated in section 301 for operation and main-
14 tenance, Space Force, as specified in the corresponding
15 funding table in section 4301, for contractor logistics and
16 system support, line 080, is hereby reduced by
17 \$15,000,000.

18 **SEC. 226. FUNDING INCREASE FOR 3D PRINTING OF INFRA-**
19 **STRUCTURE.**

20 (a) INCREASE.—Notwithstanding the amounts set
21 forth in the funding tables in division D, the amount au-
22 thorized to be appropriated in section 201, as specified
23 in the corresponding funding table in section 4201, line
24 038 (PE 0603119A), is hereby increased by \$12,500,000.

25 (b) OFFSET.—Notwithstanding the amounts set forth
26 in the funding tables in division D, the amount authorized

1 to be appropriated in section 201 for research, develop-
2 ment, test, and evaluation, Army, as specified in the cor-
3 responding funding table in section 4201, for Integrated
4 Personnel and Pay System - Army (IPPS-A), line 121,
5 is hereby reduced by \$12,500,000.

6 **SEC. 227. FUNDING INCREASE FOR COLD WEATHER CAPA-**
7 **BILITIES.**

8 (a) INCREASE.—Notwithstanding the amounts set
9 forth in the funding tables in division D, the amount au-
10 thorized to be appropriated in section 201 for research,
11 development, test, and evaluation, Air Force, as specified
12 in the corresponding funding table in section 4201, for
13 applied research, materials, line 005 (PE 0602102F), is
14 hereby increased by \$7,500,000.

15 (b) OFFSET.—Notwithstanding the amounts set forth
16 in the funding tables in division D, the amount authorized
17 to be appropriated in section 201 for research, develop-
18 ment, test, and evaluation, Army, as specified in the cor-
19 responding funding table in section 4201, for Integrated
20 Personnel and Pay System - Army (IPPS-A), line 121,
21 is hereby reduced by \$7,500,000.

22 **SEC. 228. FUNDING FOR SOLDIER LETHALITY TECH-**
23 **NOLOGY.**

24 (a) INCREASE.—Notwithstanding the amounts set
25 forth in the funding tables in division D, the amount au-

1 thORIZED to be appropriated in section 201 for research,
2 development, test and evaluation, Army, as specified in the
3 corresponding funding table in section 4201, for advanced
4 technology development, soldier lethality advanced tech-
5 nology (PE0603118A), line 037, is hereby increased by
6 \$8,000,000.

7 (b) OFFSET.—Notwithstanding the amounts set forth
8 in the funding tables in division D, the amount authorized
9 to be appropriated in section 301 for operation and main-
10 tenance, Space Force, as specified in the corresponding
11 funding table in section 4301, for contractor logistics and
12 system support, line 080, is hereby reduced by
13 \$8,000,000.

14 **SEC. 229. PILOT PROGRAM ON DATA LIBRARIES FOR**
15 **TRAINING ARTIFICIAL INTELLIGENCE MOD-**
16 **ELS.**

17 (a) DATA LIBRARIES.—The Secretary of Defense,
18 acting through the Director of the Joint Artificial Intel-
19 ligence Center, is authorized to carry out a pilot program
20 under which Secretary may—

21 (1) establish data libraries containing Depart-
22 ment of Defense data sets relevant to the develop-
23 ment of artificial intelligence software and tech-
24 nology; and

1 (2) allow private companies to access such data
2 libraries for the purposes of developing artificial in-
3 telligence models and other technical software solu-
4 tions.

5 (b) OBJECTIVES.—The objective of the pilot program
6 under subsection (a) shall be to ensure that the Depart-
7 ment of Defense is able to procure optimal artificial intel-
8 ligence and machine learning software capabilities that
9 can quickly scale to meet the needs of the Department.

10 (c) ELEMENTS.—If the Secretary of Defense elects
11 to carry out the pilot program under subsection (a), the
12 data libraries established under the program—

13 (1) may include unclassified data stacks rep-
14 resentative of diverse types of information, such as
15 aerial imagery, radar, synthetic aperture radar, cap-
16 tured exploitable material, publicly available infor-
17 mation, and as many other data types the Secretary
18 determines appropriate; and

19 (2) shall be made available to covered software
20 companies beginning immediately upon the covered
21 software company entering into a contract or agree-
22 ment with the Secretary to support rapid develop-
23 ment of high-quality software.

24 (d) AVAILABILITY.—If the Secretary of Defense
25 elects to carry out the pilot program under subsection (a),

1 the Secretary, acting through the Chief Information Offi-
2 cer of the Department, shall ensure that the data libraries
3 established under the program are available to covered
4 software companies by not later than 180 days after the
5 date on which the program is commenced.

6 (e) BRIEFING.—Not later than 90 days after the date
7 of the enactment of this Act, the Secretary shall provide
8 to the congressional defense committees a briefing on im-
9 plementing this section, including an identification of the
10 types of information that the Secretary determines are
11 feasible and advisable to include in the data stacks under
12 subsection (b)(1).

13 **SEC. 229A. ESTABLISHMENT OF QUANTUM NETWORK**
14 **TESTBED PROGRAM FOR DEPARTMENT OF**
15 **AIR FORCE.**

16 (a) IN GENERAL.—The Secretary of the Air Force
17 may establish a program to develop a proof-of-concept
18 quantum network testbed that may be accessed by proto-
19 type quantum computers.

20 (b) FUNDING FOR QUANTUM NETWORK TESTBED
21 PROGRAM.—

22 (1) INCREASE.—Notwithstanding the amounts
23 set forth in the funding tables in division D, the
24 amount authorized to be appropriated in section 201
25 for research, development, test, and evaluation Air

1 Force applied research, line 014, as specified in the
2 corresponding funding table in section 4201, for
3 dominant information sciences and methods is here-
4 by increased by \$10,000,000 (to be used to in sup-
5 port of the quantum network and computing testbed
6 program under this section).

7 (2) OFFSET.—Notwithstanding the amounts set
8 forth in the funding tables in division D, the amount
9 authorized to be appropriated in section 301 for op-
10 eration and maintenance, space force, as specified in
11 the corresponding funding table in section 4301,
12 contractor logistics and system support, line 080, is
13 hereby reduced by \$10,000,000.

14 **Subtitle C—Plans, Reports, and** 15 **Other Matters**

16 **SEC. 231. MODIFICATION TO ANNUAL REPORT OF THE DI-** 17 **RECTOR OF OPERATIONAL TEST AND EVAL-** 18 **UATION.**

19 Section 139(h)(2) of title 10, United States Code, is
20 amended by striking “, through January 31, 2026”.

21 **SEC. 232. ADAPTIVE ENGINE TRANSITION PROGRAM ACQUI-** 22 **SITION STRATEGY FOR THE F-35A AIRCRAFT.**

23 (a) IN GENERAL.—Not later than 14 days after the
24 date on which the budget of the President for fiscal year
25 2023 is submitted to Congress pursuant to section 1105

1 of title 31, United States Code, the Under Secretary of
2 Defense for Acquisition and Sustainment shall submit to
3 the congressional defense committees a report on the inte-
4 gration of the Adaptive Engine Transition Program pro-
5 pulsion system into the F-35A aircraft.

6 (b) ELEMENTS.—The report required under sub-
7 section (a) shall include the following:

8 (1) A competitive acquisition strategy, informed
9 by fiscal considerations, to—

10 (A) integrate the Adaptive Engine Transi-
11 tion Program propulsion system into the F-35A
12 aircraft; and

13 (B) begin, in fiscal year 2027, activities to
14 retrofit all F-35A aircraft with such propulsion
15 system.

16 (2) An implementation plan to implement such
17 strategy.

18 (3) A schedule annotating pertinent milestones
19 and yearly fiscal resource requirements for the im-
20 plementation of such strategy.

21 **SEC. 233. ADVANCED PROPULSION SYSTEM ACQUISITION**
22 **STRATEGY FOR THE F-35B AND F-35C AIR-**
23 **CRAFT.**

24 (a) IN GENERAL.—Not later than 14 days after the
25 date on which the budget of the President for fiscal year

1 2023 is submitted to Congress pursuant to section 1105
2 of title 31, United States Code, the Secretary of the Navy,
3 in consultation with the Under Secretary of Defense for
4 Acquisition and Sustainment, shall submit to the congress-
5 sional defense committees a report on the integration of
6 the Adaptive Engine Transition Program (referred to in
7 this section as “AETP”) propulsion system or other ad-
8 vanced propulsion system into F-35B and F-35C aircraft.

9 (b) ELEMENTS.—The report required under sub-
10 section (a) shall include the following:

11 (1) An analysis of the impact on combat effec-
12 tiveness and sustainment cost from increased thrust,
13 fuel efficiency, and thermal capacity for each variant
14 of the F-35, to include the improvements on accel-
15 eration, speed, range, and overall mission effective-
16 ness, of each advanced propulsion system.

17 (2) An assessment in the reduction on the de-
18 pendency on support assets, to include air refueling
19 and replenishment tankers, and the overall cost ben-
20 efits to the Department from reduced acquisition
21 and sustainment of such support assets, from the in-
22 tegration of each advanced propulsion system.

23 (3) A competitive acquisition strategy, informed
24 by fiscal considerations, the assessment on combat
25 effectiveness, and technical limitations, to—

1 (A) integrate an advanced propulsion sys-
2 tem into the F-35B aircraft and integrate an
3 advanced propulsion system into the F-35C air-
4 craft;

5 (B) begin, in a fiscal year as determined
6 by a cost benefit analysis, activities to produce
7 all F-35B aircraft and all F-35C aircraft with
8 such propulsion systems; and

9 (C) begin, in a fiscal year and quantity as
10 determined by a cost benefit analysis, activities
11 to retrofit F-35B aircraft and F-35C aircraft
12 with such propulsion systems.

13 (4) An implementation plan to implement the
14 strategy described in paragraph (3).

15 (5) A schedule annotating pertinent milestones
16 and yearly fiscal resource requirements for the im-
17 plementation of such strategy.

18 (c) DEFINITIONS.—In this section:

19 (1) The term “variant of the F-35” means:

20 (A) the F-35B; and

21 (B) the F-35C.

22 (2) The term “advanced propulsion system”
23 means:

24 (A) the Adaptive Engine Transition Pro-
25 gram propulsion system; or

1 (B) a derivative of a propulsion system de-
2 veloped for the F-35.

3 **SEC. 234. ASSESSMENT AND REPORT ON AIRBORNE ELEC-**
4 **TRONIC ATTACK CAPABILITIES AND CAPAC-**
5 **ITY.**

6 (a) ASSESSMENT.—The Secretary of the Air Force
7 shall conduct an assessment of—

8 (1) the status of the airborne electronic attack
9 capabilities and capacity of the Air Force; and

10 (2) the feasibility and advisability of adapting
11 the ALQ-249 Next Generation Jammer for use on
12 Air Force tactical aircraft, including an analysis
13 of—

14 (A) the suitability of the jammer for use
15 on such aircraft;

16 (B) the compatibility of the jammer with
17 such aircraft; and

18 (C) identification of any unique hardware,
19 software, or interface modifications that may be
20 required to integrate the jammer with such air-
21 craft.

22 (b) REPORT.—Not later than February 15, 2022, the
23 Secretary of the Air Force shall submit to the Committees
24 on Armed Services of the Senate and the House of Rep-

1 representatives a report on the results of the assessment con-
2 ducted under subsection (a).

3 **SEC. 235. STRATEGY FOR AUTONOMY INTEGRATION IN**
4 **MAJOR WEAPON SYSTEMS.**

5 (a) STRATEGY REQUIRED.—Not later than one year
6 after the date of the enactment of this Act the Secretary
7 of Defense shall submit to the Committees on Armed Serv-
8 ices of the Senate and House of Representatives a strategy
9 to resource and integrate, to the maximum extent possible,
10 autonomy software that enables full operational capability
11 in high threat, communications and GPS-denied environ-
12 ments into major weapons systems of the Department of
13 Defense by fiscal year 2025.

14 (b) ELEMENTS.—The strategy required under sub-
15 section (a) shall include—

16 (1) a list of weapon systems and programs, to
17 be selected by the Secretary of Defense, which can
18 be integrated with autonomy software as described
19 in subsection (a) by fiscal year 2025;

20 (2) timelines for autonomy software integration
21 into the weapon systems and programs as identified
22 under paragraph (1);

23 (3) funding requirements related to the develop-
24 ment, acquisition, and testing of autonomy software;

1 (4) plans to leverage commercially-available ar-
2 tificial intelligence software, universal common con-
3 trol software, and autonomy software and related
4 self-driving or self-piloting technologies, where ap-
5 propriate; and

6 (5) plans to include autonomy software, artifi-
7 cial intelligence, and universal common control.

8 (6) Plans for ensuring the safety and security
9 of major weapon systems equipped with autonomy
10 software, including plans for testing, evaluation, vali-
11 dation, and verification of such systems.

12 (c) CONSULTATION.—The Secretary shall develop the
13 strategy required under subsection (a) in consultation
14 with—

15 (1) the Under Secretary of Defense for Re-
16 search and Engineering;

17 (2) the Secretaries of the military departments;
18 and

19 (3) such other organizations and elements of
20 the Department of Defense as the Secretary deter-
21 mines appropriate.

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than one year
24 after the date on which the strategy required under
25 subsection (a) is submitted to the Committees on

1 Armed Services of the Senate and House of Rep-
2 resentatives, and not later than October 1 of each of
3 the five years thereafter, the Secretary of Defense
4 shall submit to the Committees on Armed Services
5 of the Senate and House of Representatives a report
6 that describes the status of the implementation of
7 the strategy.

8 (2) CONTENTS.—The report required under
9 paragraph (1) shall—

10 (A) identify any substantial changes made
11 in the strategy during the preceding calendar
12 year; and

13 (B) describe the progress made in imple-
14 menting the strategy.

15 (e) FORM.—The strategy required under subsection
16 (a) and the report required under subsection (d) shall be
17 submitted in unclassified form but may contain a classi-
18 fied annex.

19 **SEC. 236. ROADMAP FOR RESEARCH AND DEVELOPMENT**
20 **OF DISRUPTIVE MANUFACTURING CAPABILI-**
21 **TIES.**

22 (a) ROADMAP.—The Under Secretary of Defense for
23 Research and Engineering, in consultation with the De-
24 partment of Defense Manufacturing Innovation Institutes,
25 shall develop a capabilities integration roadmap for dis-

1 ruptive manufacturing technologies including workforce
2 skills needed to support it and proposed pilot-scale dem-
3 onstration projects proving concepts, models, technologies,
4 and engineering barriers.

5 (b) BRIEFING.—Not later than 180 days after the
6 date of the enactment of this Act, the Under Secretary
7 of Defense for Research and Engineering shall submit to
8 the Committees on Armed Services of the Senate and the
9 House of Representatives a briefing on the roadmap devel-
10 oped under subsection (a).

11 **SEC. 237. BIENNIAL ASSESSMENTS OF THE AIR FORCE RE-**
12 **SEARCH LABORATORY, AEROSPACE SYSTEMS**
13 **DIRECTORATE, ROCKET PROPULSION DIVI-**
14 **SION.**

15 (a) ASSESSMENTS REQUIRED.—Not later than 30
16 days after the date on which the President’s budget is sub-
17 mitted to Congress under section 1105(a) of title 31,
18 United States Code, for each of fiscal years 2023 and
19 2025, the Secretary of the Air Force shall submit to the
20 congressional defense committees an assessment of the Air
21 Force Research Laboratory, Aerospace Systems Direc-
22 torate, Rocket Propulsion Division.

23 (b) ELEMENTS.—Each assessment under subsection
24 (a) shall include, for the period covered by the assessment,
25 a description of—

1 (1) any challenges of the Air Force Research
2 Laboratory, Aerospace Systems Directorate, Rocket
3 Propulsion Division with respect to completing its
4 mission, including with respect to test activities and
5 infrastructure; and

6 (2) the plan of the Secretary to address such
7 challenges.

8 **SEC. 238. REPORT DETAILING COMPLIANCE WITH DISCLO-**
9 **SURE REQUIREMENTS FOR RECIPIENTS OF**
10 **RESEARCH AND DEVELOPMENT FUNDS.**

11 Not later than 90 days after the date of the enact-
12 ment of this Act, the Secretary of Defense shall submit
13 to the congressional defense committees a report detailing
14 compliance with the disclosure requirements for recipients
15 of research and development funds required under section
16 2374b of title 10, United States Code.

17 **SEC. 239. SENSE OF CONGRESS ON THE ADDITIVE MANU-**
18 **FACTURING AND MACHINE LEARNING INITIA-**
19 **TIVE OF THE ARMY.**

20 It is the sense of Congress that—

21 (1) the additive manufacturing and machine
22 learning initiative of the Army has the potential to
23 accelerate the ability to deploy additive manufac-
24 turing capabilities in expeditionary settings and

1 strengthen the United States defense industrial sup-
2 ply chain; and

3 (2) Congress and the Department of Defense
4 should continue to support the additive manufac-
5 turing and machine learning initiative of the Army.

6 **SEC. 240. RESEARCH SECURITY TRAINING REQUIREMENT**
7 **FOR FEDERAL RESEARCH GRANT PER-**
8 **SONNEL.**

9 (a) ANNUAL TRAINING REQUIREMENT.—Drawing on
10 stakeholder input, not later than 12 months after the date
11 of the enactment of this Act, each Federal research agency
12 shall establish a requirement that, as part of an applica-
13 tion for a research and development award from the agen-
14 cy—

15 (1) each covered individual listed on the appli-
16 cation for a research and development award certify
17 that they have completed research security training
18 that meets the guidelines developed under subsection
19 (b) within one year of the application; and

20 (2) each institution of higher education or other
21 organization applying for such an award certify that
22 each covered individual who is employed by the insti-
23 tution or organization and listed on the application
24 has been made aware of the requirement under this
25 subsection.

1 (b) TRAINING GUIDELINES.—The Director of the Of-
2 fice of Science and Technology Policy, acting through the
3 National Science and Technology Council and in accord-
4 ance with the authority provided under section 1746(a)
5 of the National Defense Authorization Act for Fiscal Year
6 2020 (Public Law 116–92; 42 U.S.C. 6601 note), shall
7 develop guidelines for institutions of higher education and
8 other organizations receiving Federal research and devel-
9 opment funds to use in developing their own training pro-
10 grams to address the unique needs, challenges, and risk
11 profiles of such institutions, including adoption of training
12 modules developed under subsection (c).

13 (c) SECURITY TRAINING MODULES.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date of the enactment of this Act, the Director
16 of the Office of Science and Technology Policy in co-
17 ordination with the Director of the National Science
18 Foundation and the Director of the National Insti-
19 tute of Health, and in consultation with other rel-
20 evant Federal research agencies, shall enter into an
21 agreement or contract with a qualified entity for the
22 development of online research security training
23 modules for the research community, including mod-
24 ules focused on international collaboration and inter-
25 national travel, foreign interference, and rules for

1 proper use of funds, disclosure, conflict of commit-
2 ment, and conflict of interest.

3 (2) STAKEHOLDER INPUT.—Prior to entering
4 into the agreement under paragraph (1), the Direc-
5 tor of the Office of Science and Technology Policy
6 shall seek input from academic, private sector, intel-
7 ligence, and law enforcement stakeholders regarding
8 the scope and content of training modules, including
9 the diversity of needs across institutions of higher
10 education and other awardees of different sizes and
11 types, and recommendations for minimizing adminis-
12 trative burden on institutions of higher education
13 and researchers.

14 (3) DEVELOPMENT.—The Director of the Office
15 of Science and Technology Policy shall ensure that
16 the entity identified in paragraph (1)—

17 (A) develops modules that can be adapted
18 and utilized across Federal science agencies;
19 and

20 (B) develops and implements a plan for
21 regularly updating the modules as needed.

22 (d) CONSISTENCY.—The Director of the Office of
23 Science and Technology Policy shall ensure that the train-
24 ing requirements issued by Federal research agencies
25 under subsection (a) are consistent.

1 (e) DEFINITIONS.—In this section:

2 (1) The term “covered individual” means an in-
3 dividual who—

4 (A) contributes in a substantive, meaning-
5 ful way to the scientific development or execu-
6 tion of a research and development project pro-
7 posed to be carried out with a research and de-
8 velopment award from a Federal research agen-
9 cy; and

10 (B) is designated as a covered individual
11 by the Federal research agency concerned.

12 (2) The term “Federal research agency” means
13 any Federal agency with an annual extramural re-
14 search expenditure of over \$100,000,000.

15 (3) The term “research and development
16 award” means support provided to an individual or
17 entity by a Federal research agency to carry out re-
18 search and development activities, which may include
19 support in the form of a grant, contract, cooperative
20 agreement, or other such transaction. The term does
21 not include a grant, contract, agreement or other
22 transaction for the procurement of goods or services
23 to meet the administrative needs of a Federal re-
24 search agency.

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Subtitle A—Authorization of**
4 **Appropriations**

5 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2022 for the use of the Armed Forces and other
8 activities and agencies of the Department of Defense for
9 expenses, not otherwise provided for, for operation and
10 maintenance, as specified in the funding table in section
11 4301.

12 **SEC. 302. FUNDING FOR ARMY COMMUNITY SERVICES.**

13 (a) **INCREASE.**—Notwithstanding the amounts set
14 forth in the funding tables in division D, the amount au-
15 thorized to be appropriated in section 301 for operation
16 and maintenance for Army base operations support, line
17 100, as specified in the corresponding funding table in sec-
18 tion 4301, for Army Community Services, line 110, is
19 hereby increased by \$30,000,000.

20 (b) **OFFSET.**—Notwithstanding the amounts set forth
21 in the funding tables in division D, the amount authorized
22 to be appropriated in section 301 for operation and main-
23 tenance, Army, as specified in the corresponding funding
24 table in section 4301, for Army Administration, line 440,
25 is hereby reduced by \$15,000,000.

1 (c) OFFSET.—Notwithstanding the amounts set forth
2 in the funding tables in division D, the amount authorized
3 to be appropriated in section 301 for operation and main-
4 tenance, Army, as specified in the corresponding funding
5 table in section 4301, for Army Other Service Support,
6 line 480, is hereby reduced by \$15,000,000.

7 **SEC. 303. INCREASE IN FUNDING FOR CIVIL MILITARY PRO-**
8 **GRAMS.**

9 (a) INCREASE.—Notwithstanding the amounts set
10 forth in the funding tables in division D, the amount au-
11 thorized to be appropriated for operation and mainte-
12 nance, Defense-wide, as specified in the corresponding
13 funding table in section 4301, for Civil Military Programs
14 is hereby increased by \$35,281,000 (to be used in support
15 of the National Guard Youth Challenge Program).

16 (b) OFFSET.—Notwithstanding the amounts set forth
17 in the funding tables in division D, the amount authorized
18 to be appropriated in section 301 for Operation and Main-
19 tenance, Defense-wide, as specified in the corresponding
20 funding table in section 4301, for Office of Secretary of
21 Defense, Line 540, is hereby reduced by \$35,281,000.

1 **Subtitle B—Energy and**
2 **Environment**

3 **SEC. 311. INCLUSION OF IMPACTS ON MILITARY INSTALLA-**
4 **TION RESILIENCE IN THE NATIONAL DE-**
5 **FENSE STRATEGY AND ASSOCIATED DOCU-**
6 **MENTS.**

7 (a) NATIONAL DEFENSE STRATEGY AND DEFENSE
8 PLANNING GUIDANCE.—Section 113(g) of title 10, United
9 States Code, is amended—

10 (1) in paragraph (1)(B)—

11 (A) in clause (ii), by striking “actors,” and
12 inserting “actors, and the current or projected
13 threats to military installation resilience,”; and

14 (B) by inserting after clause (ix), the fol-
15 lowing new clause:

16 “(x) Strategic goals to address or
17 mitigate the current and projected risks to
18 military installation resilience.”.

19 (2) in paragraph (2)(A), in the matter pre-
20 ceding clause (i), by striking “priorities,” and insert-
21 ing “priorities, including priorities relating to the
22 current or projected risks to military installation re-
23 silience,”.

24 (b) NATIONAL DEFENSE SUSTAINMENT AND LOGIS-
25 TICS REVIEW.—

1 (1) IN GENERAL.—The first section 118a of
2 such title is amended—

3 (A) in subsection (a), by striking “capabili-
4 ties,” and inserting “capabilities, response to
5 risks to military installation resilience,”;

6 (B) by redesignating such section, as
7 amended by subparagraph (A), as section 118b;
8 and

9 (C) by moving such section so as to appear
10 after section 118a.

11 (2) CLERICAL AND CONFORMING AMEND-
12 MENTS.—

13 (A) CLERICAL AMENDMENTS.—The table
14 of sections for chapter 2 of such title is amend-
15 ed—

16 (i) by striking the first item relating
17 to section 118a; and

18 (ii) by inserting after the item relating
19 to section 118a the following new item:

“118b. National Defense Sustainment and Logistics Review.”

20 (B) CONFORMING AMENDMENT.—Section
21 314(c) of the William M. (Mac) Thornberry Na-
22 tional Defense Authorization Act for Fiscal
23 Year 2021 (Public Law 116–283) is amended
24 by striking “section 118a” and inserting “sec-
25 tion 118b”.

1 (c) CHAIRMAN’S RISK ASSESSMENT.—Section
2 153(b)(2)(B) of title 10, United States Code, is amended
3 by inserting after clause (vi) the following new clause:

4 “(vii) Identify and assess risk resulting
5 from, or likely to result from, current or pro-
6 jected effects on military installation resil-
7 ience.”.

8 (d) STRATEGIC DECISIONS RELATING TO MILITARY
9 INSTALLATIONS.—The Secretary of each military depart-
10 ment, with respect to any installation under the jurisdic-
11 tion of that Secretary, and the Secretary of Defense, with
12 respect to any installation of the Department of Defense
13 that is not under the jurisdiction of the Secretary of a
14 military department, shall consider the risks associated
15 with military installation resilience when making any stra-
16 tegic decision relating to such installation, including where
17 to locate such installation and where to position equip-
18 ment, infrastructure, and other military assets on such in-
19 stallation.

20 (e) NATIONAL DEFENSE STRATEGY AND NATIONAL
21 MILITARY STRATEGY.—The Secretary of Defense, in co-
22 ordination with the heads of such other Federal agencies
23 as the Secretary determines appropriate, shall incorporate
24 the security implications of military installation resilience

1 into the National Defense Strategy and the National Military Strategy.

3 (f) NATIONAL SECURITY PLANNING DOCUMENTS.—

4 The Secretary of Defense and the Chairman of the Joint
5 Chiefs of Staff shall consider the security implications associated with military installation resilience in developing
6 the Defense Planning Guidance under section 113(g)(2)
7 of title 10, United States Code, the Risk Assessment of
8 the Chairman of the Joint Chiefs of Staff under section
9 153(b)(2) of such title, and other relevant strategy, planning, and programming documents and processes.

12 (g) CAMPAIGN PLANS OF COMBATANT COMMANDS.—

13 The Secretary of Defense shall ensure that the national
14 security implications associated with military installation
15 resilience are integrated into the campaign plans of the
16 combatant commands.

17 (h) REPORT ON SECURITY IMPLICATIONS ASSOCIATED WITH MILITARY INSTALLATION RESILIENCE.—

19 (1) REPORT.—Not later than 90 days after the
20 date of the enactment of this Act, the Secretary of
21 Defense shall submit to the Committees on Armed
22 Services of the Senate and the House of Representatives a report describing how the aspects of military
23 installation resilience have been incorporated into
24

1 modeling, simulation, war-gaming, and other anal-
2 yses by the Department of Defense.

3 (2) FORM.—The report required by paragraph
4 (1) shall be submitted in unclassified form, but may
5 include a classified annex.

6 (i) ANNUAL REPORT ON READINESS IMPACTS OF
7 MILITARY INSTALLATION RESILIENCE ON MILITARY AS-
8 SETS AND CAPABILITIES.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, and an-
11 nually thereafter, the Secretary of Defense shall sub-
12 mit to the congressional defense committees a report
13 containing information (disaggregated by military
14 department) as follows:

15 (A) A description of the effects on military
16 readiness, and an estimate of the financial costs
17 to the Department of Defense, reasonably at-
18 tributed to adverse impacts to military installa-
19 tion resilience during the year preceding the
20 submission of the report, including loss of or
21 damage to military networks, systems, installa-
22 tions, facilities, and other assets and capabili-
23 ties of the Department; and

24 (B) An assessment of vulnerabilities to
25 military installation resilience.

1 (2) USE OF ASSESSMENT TOOL.—The Secretary
2 shall use the Climate Vulnerability and Risk Assess-
3 ment Tool of the Department (or such successor
4 tool) in preparing each report under paragraph (1).

5 (j) DEFINITIONS.—In this section:

6 (1) The term “military installation resilience”
7 has the meaning given that term in section 101(e)
8 of title 10, United States Code.

9 (2) The term “National Defense Strategy”
10 means the national defense strategy under section
11 113(g)(1) of such title.

12 (3) The term “National Military Strategy”
13 means the national military strategy under section
14 153(b) of such title.

15 **SEC. 312. MODIFICATION OF AUTHORITIES GOVERNING**
16 **CULTURAL AND CONSERVATION ACTIVITIES**
17 **OF THE DEPARTMENT OF DEFENSE.**

18 (a) IN GENERAL.—Section 2694 of title 10, United
19 States Code, is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), by inserting
23 “or Sentinel Landscape” after “military
24 department”; and

1 (ii) in subparagraph (B), by inserting
2 “or that would contribute to maintaining
3 or improving military installation resil-
4 ience” after “military operations”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by inserting
7 “or nature-based climate resilience plans”
8 after “land management plans”; and

9 (ii) by amending subparagraph (F) to
10 read as follows:

11 “(F) The implementation of ecosystem-wide
12 land management plans—

13 “(i) for a single ecosystem that—

14 “(I) encompasses at least two non-
15 contiguous military installations, if those
16 military installations are not all under the
17 administrative jurisdiction of the same
18 Secretary of a military department; and

19 “(II) provides synergistic benefits un-
20 available if the installations acted sepa-
21 rately; or

22 “(ii) for one or more ecosystems within a
23 designated Sentinel Landscape.”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(e) DEFINITION OF SENTINEL LANDSCAPE.—In
2 this section, the term ‘Sentinel Landscape’ means a land-
3 scape-scale area encompassing—

4 “(1) one or more military installations or State-
5 owned National Guard installations and associated
6 airspace; and

7 “(2) the working or natural lands that serve to
8 protect and support the rural economy, the natural
9 environment, outdoor recreation, and the national
10 defense test and training missions of the military or
11 State-owned National Guard installation or installa-
12 tions.”.

13 (b) PRESERVATION OF SENTINEL LANDSCAPES.—
14 Section 317 of the National Defense Authorization Act for
15 Fiscal Year 2018 (10 U.S.C. 2684a note) is amended—

16 (1) in subsection (c)—

17 (A) by inserting “resilience,” after “mu-
18 tual benefit of conservation,”;

19 (B) by inserting “, resilience,” after “vol-
20 untary land management”; and

21 (C) by adding at the end the following new
22 sentence: “The Secretary of Defense shall in-
23 clude information concerning the activities
24 taken pursuant to the Sentinel Landscapes
25 Partnership in the annual report to Congress

1 submitted pursuant to section 2684a(g) of title
2 10, United States Code.”;

3 (2) in subsection (d), in the second sentence, by
4 inserting “by an eligible landowner or agricultural
5 producer” after “Participation”;

6 (3) by redesignating subsection (e) as sub-
7 section (f);

8 (4) by inserting after subsection (d) the fol-
9 lowing new subsection (e):

10 “(e) PARTICIPATION BY OTHER AGENCIES.—To the
11 extent practicable, the Secretary of Defense shall seek the
12 participation of other Federal agencies in the Sentinel
13 Landscape Partnership and encourage such agencies to
14 become full partners in the Partnership.”; and

15 (5) in subsection (f), by adding at the end the
16 following new paragraph:

17 “(4) RESILIENCE.—The term ‘resilience’ means
18 the capability to avoid, prepare for, minimize the ef-
19 fect of, adapt to, and recover from extreme weather
20 events, flooding, wildfires, or other anticipated or
21 unanticipated changes in environmental conditions.”.

1 **SEC. 313. MODIFICATION OF AUTHORITY FOR ENVIRON-**
2 **MENTAL RESTORATION PROJECTS OF NA-**
3 **TIONAL GUARD.**

4 Section 2707(e)(1) of title 10, United States Code,
5 is amended by striking “in response to perfluorooctanoic
6 acid or perfluorooctane sulfonate contamination under this
7 chapter or CERCLA”.

8 **SEC. 314. PROHIBITION ON USE OF OPEN-AIR BURN PITS IN**
9 **CONTINGENCY OPERATIONS OUTSIDE THE**
10 **UNITED STATES.**

11 (a) **IN GENERAL.**—Chapter 160 of title 10, United
12 States Code, is amended by adding at the end the fol-
13 lowing new section:

14 **“§ 2714. Prohibition on use of open-air burn pits**

15 “(a) **IN GENERAL.**—Except as provided in subsection
16 (b), beginning on January 1, 2023, the disposal of covered
17 waste by the Department of Defense in an open-air burn
18 pit located outside of the United States during a contin-
19 gency operation is prohibited.

20 “(b) **WAIVER.**—The President may exempt a location
21 from the prohibition under subsection (a) if the President
22 determines such an exemption is in the paramount interest
23 of the United States.

24 “(c) **REPORT.**—(1) Not later than 30 days after
25 granting an exemption under subsection (b) with respect
26 to the use of an open-air burn pit at a location, the Presi-

1 dent shall submit to Congress a written report that identi-
2 fies—

3 “(A) the location of the open-air burn pit;

4 “(B) the number of personnel of the United
5 States assigned to the location where the open-air
6 burn pit is being used;

7 “(C) the size and expected duration of use of
8 the open-air burn pit;

9 “(D) the personal protective equipment or other
10 health risk mitigation efforts that will be used by
11 members of the armed forces when airborne hazards
12 are present, including how such equipment will be
13 provided when required; and

14 “(E) the need for the open-air burn pit and ra-
15 tionale for granting the exemption.

16 “(2) A report submitted under paragraph (1) shall
17 be submitted in unclassified form, but may include a clas-
18 sified annex.

19 “(d) DEFINITION OF COVERED WASTE.—In this sec-
20 tion, the term ‘covered waste’ includes—

21 “(1) hazardous waste, as defined by section
22 1004(5) of the Solid Waste Disposal Act (42 U.S.C.
23 6903(5));

24 “(2) medical waste;

25 “(3) tires;

1 “(4) treated wood;

2 “(5) batteries;

3 “(6) plastics, except insignificant amounts of
4 plastic remaining after a good-faith effort to remove
5 or recover plastic materials from the solid waste
6 stream;

7 “(7) munitions and explosives, except when dis-
8 posed of in compliance with guidance on the destruc-
9 tion of munitions and explosives contained in the
10 Department of Defense Ammunition and Explosives
11 Safety Standards, DoD Manual 6055.09-M;

12 “(8) compressed gas cylinders, unless empty
13 with valves removed;

14 “(9) fuel containers, unless completely evacu-
15 ated of its contents;

16 “(10) aerosol cans;

17 “(11) polychlorinated biphenyls;

18 “(12) petroleum, oils, and lubricants products
19 (other than waste fuel for initial combustion);

20 “(13) asbestos;

21 “(14) mercury;

22 “(15) foam tent material;

23 “(16) any item containing any of the materials
24 referred to in a preceding paragraph; and

1 “(17) other waste as designated by the Sec-
2 retary.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“2714. Prohibition on use of open-air burn pits.”.

6 (c) CONFORMING REPEAL.—Effective January 1,
7 2023, section 317 of the National Defense Authorization
8 Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C.
9 2701 note) is repealed.

10 **SEC. 315. MAINTENANCE OF CURRENT ANALYTICAL TOOLS**
11 **FOR EVALUATION OF ENERGY RESILIENCE**
12 **MEASURES.**

13 (a) IN GENERAL.—Section 2911 of title 10, United
14 States Code, is amended by adding at the end the fol-
15 lowing new subsection:

16 “(i) ANALYTICAL TOOLS FOR EVALUATION OF EN-
17 ERGY RESILIENCE MEASURES.—(1) The Secretary of De-
18 fense shall develop and implement a process to ensure that
19 the Department of Defense, in the evaluation of energy
20 resilience measures on military installations, uses analyt-
21 ical tools that are accurate and effective in projecting the
22 costs and performance of such measures.

23 “(2) Analytical tools specified in paragraph (1) shall
24 be—

25 “(A) designed to—

1 “(i) provide an accurate projection of the
2 costs and performance of the energy resilience
3 measure being analyzed;

4 “(ii) be used without specialized training;
5 and

6 “(iii) produce resulting data that is under-
7 standable and usable by the typical source se-
8 lection official;

9 “(B) consistent with standards and analytical
10 tools commonly applied by the Department of En-
11 ergy and by commercial industry;

12 “(C) adaptable to accommodate a rapidly
13 changing technological environment;

14 “(D) peer-reviewed for quality and precision
15 and measured against the highest level of develop-
16 ment for such tools; and

17 “(E) periodically reviewed and updated, but not
18 less frequently than once every three years.”.

19 (b) REPORT.—Not later than September 30, 2022,
20 the Secretary of Defense shall submit to the Committees
21 on Armed Services of the House of Representatives and
22 the Senate a report on the implementation of the require-
23 ments under section 2911(i) of title 10, United States
24 Code, as added by subsection (a).

1 **SEC. 316. ENERGY EFFICIENCY TARGETS FOR DEPART-**
2 **MENT OF DEFENSE DATA CENTERS.**

3 (a) ENERGY EFFICIENCY TARGETS FOR DATA CEN-
4 TERS.—

5 (1) IN GENERAL.—Subchapter I of chapter 173
6 of title 10, United States Code, is amended by add-
7 ing at the end the following new section:

8 **“§ 2921. Energy efficiency targets for data centers**

9 “(a) COVERED DATA CENTERS.—(1) For each cov-
10 ered data center, the Secretary shall—

11 “(A) develop a power usage effectiveness target
12 for the data center, based on location, resiliency, in-
13 dustry standards, and best practices;

14 “(B) develop a water usage effectiveness target
15 for the data center, based on location, resiliency, in-
16 dustry standards, and best practices;

17 “(C) develop other energy efficiency or water
18 usage targets for the data center based on industry
19 standards and best practices, as applicable to meet
20 energy efficiency and resiliency goals;

21 “(D) identify potential renewable or clean en-
22 ergy resources, or related technologies such as ad-
23 vanced battery storage capacity, to enhance resil-
24 iency at the data center, including potential renew-
25 able or clean energy purchase targets based on the
26 location of the data center; and

1 “(E) identify any statutory, regulatory, or pol-
2 icy barriers to meeting any target under any of sub-
3 paragraphs (A) through (C).

4 “(2) In this subsection, the term ‘covered data center’
5 means a data center of the Department that—

6 “(A) is one of the 50 data centers of the De-
7 partment with the highest annual power usage rates;
8 and

9 “(B) has been established before the date of the
10 enactment of this section.

11 “(b) NEW DATA CENTERS.—(1) Except as provided
12 in paragraph (2), in the case of any Department data cen-
13 ter established on or after the date of the enactment of
14 this section, the Secretary shall establish energy, water
15 usage, and resiliency-related standards that the data cen-
16 ter shall be required to meet based on location, resiliency,
17 industry standards, and best practices. Such standards
18 shall include—

19 “(A) power usage effectiveness standards;

20 “(B) water usage effectiveness standards; and

21 “(C) any other energy or resiliency standards
22 the Secretary determines are appropriate.

23 “(2) The Secretary may waive the requirement for
24 a Department data center established on or after the date

1 of the enactment of this section to meet the standards es-
2 tablished under paragraph (1) if the Secretary—

3 “(A) determines that such waiver is in the na-
4 tional security interest of the United States; and

5 “(B) submits to the Committee on Armed Serv-
6 ices of the House of Representatives notice of such
7 waiver and the reasons for such waiver.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such subchapter is amend-
10 ed by inserting after the item relating to section
11 2920 the following new item:

“2921. Energy efficiency targets for data centers.”.

12 (b) INVENTORY OF DATA FACILITIES.—

13 (1) INVENTORY REQUIRED.—By not later than
14 180 days after the date of the enactment of this Act,
15 the Secretary of Defense shall conduct an inventory
16 of all data centers owned or operated by the Depart-
17 ment of Defense. Such survey shall include the fol-
18 lowing:

19 (A) A list of data centers owned or oper-
20 ated by the Department of Defense.

21 (B) For each such data center, the earlier
22 of the following dates:

23 (i) The date on which the data center
24 was established.

1 (ii) The date of the most recent cap-
2 ital investment in new power, cooling, or
3 compute infrastructure at the data center.

4 (C) The total average annual power use, in
5 kilowatts, for each such data center.

6 (D) The number of data centers that
7 measure power usage effectiveness (hereinafter
8 in this section referred to as “PUE”) and for
9 each such data center, the PUE for the center.

10 (E) The number of data centers that
11 measure water usage effectiveness (hereinafter
12 in this section “WUE”) and, for each such data
13 center, the WUE for the center.

14 (F) A description of any other existing en-
15 ergy efficiency or efficient water usage metrics
16 used by any data center and the applicable
17 measurements for any such center.

18 (G) An assessment of the facility resiliency
19 of each data center, including redundant power
20 and cooling facility infrastructure.

21 (H) Any other matters the Secretary deter-
22 mines are relevant.

23 (2) DATA CENTER DEFINED.—In this section,
24 the term “data center” has the meaning given such

1 term in the most recent Integrated Data Collection
2 guidance of the Office of Management and Budget.

3 (c) REPORT.—Not later than 180 days after the com-
4 pletion of the inventory required under subsection (b), the
5 Secretary of Defense shall submit to the Committee on
6 Armed Services of the House of Representatives a report
7 on the inventory and the energy assessment targets under
8 section 2921(a) of title 10, United States Code, as added
9 by subsection (a). Such report shall include each of the
10 following:

11 (1) A timeline of necessary actions required to
12 meet the energy assessment targets for covered data
13 centers.

14 (2) The estimated costs associated with meeting
15 such targets.

16 (3) An assessment of the business case for
17 meeting such targets, including any estimated sav-
18 ings in operational energy and water costs and esti-
19 mated reduction in energy and water usage if the
20 targets are met.

21 (4) An analysis of any statutory, regulatory, or
22 policy barriers to meeting such targets identified
23 pursuant to section 2921(a)(E) of title 10, United
24 States Code, as added by subsection (a).

1 **SEC. 317. MODIFICATION OF RESTRICTION ON DEPART-**
2 **MENT OF DEFENSE PROCUREMENT OF CER-**
3 **TAIN ITEMS CONTAINING**
4 **PERFLUOROOCTANE SULFONATE OR**
5 **PERFLUOROOCTANOIC ACID.**

6 Section 333 of the William M. (Mac) Thornberry Na-
7 tional Defense Authorization Act for Fiscal Year 2021
8 (Public Law 116–283) is amended—

9 (1) in the section heading—

10 (A) by inserting “**OR PURCHASE**” after
11 “**PROCUREMENT**”; and

12 (B) by striking “**PERFLUOROOCTANE**
13 **SULFONATE OR PERFLUOROOCTANOIC**
14 **ACID**” and inserting “**PERFLUOROALKYL**
15 **SUBSTANCES OR POLYFLUOROALKYL SUB-**
16 **STANCES**”;

17 (2) in subsection (a), by striking
18 “perfluorooctane sulfonate (PFOS) or
19 perfluorooctanoic acid (PFOA)” and inserting “any
20 perfluoroalkyl substance or polyfluoroalkyl sub-
21 stance”; and

22 (3) by striking subsection (b) and inserting the
23 following new subsection (b):

24 “(b) **DEFINITIONS.**—In this section:

25 “(1) The term ‘covered item’ means—

1 “(A) nonstick cookware or cooking utensils
2 for use in galleys or dining facilities;

3 “(B) upholstered furniture, carpets, and
4 rugs that have been treated with stain-resistant
5 coatings;

6 “(C) food packaging materials;

7 “(D) furniture or floor waxes;

8 “(E) sunscreen;

9 “(F) umbrellas, luggage, or bags;

10 “(G) car wax and car window treatments;

11 “(H) cleaning products; and

12 “(I) shoes and clothing for which treat-
13 ment with a perfluoroalkyl substance or
14 polyfluoroalkyl substance is not necessary for
15 an essential function.

16 “(2) The term ‘perfluoroalkyl substance’ means
17 a man-made chemical of which all of the carbon
18 atoms are fully fluorinated carbon atoms.

19 “(3) The term ‘polyfluoroalkyl substance’
20 means a man-made chemical containing at least one
21 fully fluorinated carbon atom and at least one
22 nonfluorinated carbon atom.”.

1 **SEC. 318. TEMPORARY MORATORIUM ON INCINERATION BY**
2 **DEPARTMENT OF DEFENSE OF**
3 **PERFLUOROALKYL SUBSTANCES,**
4 **POLYFLUOROALKYL SUBSTANCES, AND**
5 **AQUEOUS FILM FORMING FOAM.**

6 (a) TEMPORARY MORATORIUM.—Beginning not later
7 than 90 days after the date of the enactment of this Act,
8 the Secretary of Defense shall prohibit the incineration of
9 covered materials until the earlier of the following:

10 (1) The date on which the Secretary submits to
11 Committees on Armed Services of the House of Rep-
12 resentatives and the Senate a certification that the
13 Secretary is implementing the interim guidance on
14 the destruction and disposal of PFAS and materials
15 containing PFAS published by the Administrator of
16 the Environmental Protection Agency under section
17 7361 of the National Defense Authorization Act for
18 Fiscal Year 2020 (15 U.S.C. 8961) and complying
19 with section 330 of the National Defense Authoriza-
20 tion Act for Fiscal Year 2020 (Public Law 116–92;
21 10 U.S.C. 2701 note).

22 (2) The date on which the Administrator of the
23 Environmental Protection Agency publishes in the
24 Federal Register a final rule regarding the destruc-
25 tion and disposal of such materials pursuant to such
26 section.

1 (b) REQUIRED ADOPTION OF FINAL RULE.—Upon
2 publication of the final rule specified in subsection (a)(2),
3 the Secretary shall adopt such final rule, regardless of
4 whether the Secretary previously implemented the interim
5 guidance specified in subsection (a)(1).

6 (c) REPORT.—Not later than one year after the en-
7 actment of this Act, and annually thereafter for three
8 years, the Secretary shall submit to the Administrator and
9 the Committees on Armed Services of the Senate and
10 House of Representatives a report on all incineration by
11 the Department of Defense of covered materials during
12 the year covered by the report, including—

13 (1) the total amount of covered materials incin-
14 erated;

15 (2) the temperature range at which the covered
16 materials were incinerated;

17 (3) the locations and facilities where the cov-
18 ered materials were incinerated;

19 (4) details on actions taken by the Department
20 of Defense to comply with section 330 of the Na-
21 tional Defense Authorization Act for Fiscal Year
22 2020; and

23 (5) recommendations for the safe storage of
24 PFAS and PFAS-containing materials until identi-
25 fied uncertainties are addressed and appropriate de-

1 construction and disposal technologies can be rec-
2 ommended.

3 (d) SCOPE.—The prohibition in subsection (a) and
4 reporting requirements in subsection (c) shall apply not
5 only to materials sent directly by the Department of De-
6 fense to an incinerator, but also to materials sent to an-
7 other entity or entities, including any waste processing fa-
8 cility, subcontractor, or fuel blending facility.

9 (e) DEFINITIONS.—In this section:

10 (1) The term “AFFF” means aqueous film
11 forming foam.

12 (2) The term “covered material” means any
13 AFFF formulation containing PFAS, material con-
14 taminated by AFFF release, or spent filter or other
15 PFAS-contaminated material resulting from site re-
16 mediation or water filtration that—

17 (A) has been used by the Department of
18 Defense or a military department;

19 (B) is being discarded for disposal by the
20 Department of Defense or a military depart-
21 ment; or

22 (C) is being removed from sites or facilities
23 owned or operated by the Department of De-
24 fense.

1 (3) The term “PFAS” means per- or
2 polyfluoroalkyl substances.

3 **SEC. 319. PUBLIC DISCLOSURE OF RESULTS OF DEPART-**
4 **MENT OF DEFENSE TESTING OF WATER FOR**
5 **PERFLUOROALKYL OR POLYFLUOROALKYL**
6 **SUBSTANCES OR LEAD.**

7 (a) PUBLIC DISCLOSURE OF PFAS AND LEAD TEST-
8 ING OF WATER.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), not later than 10 days after the receipt
11 of a validated result of testing water for
12 perfluoroalkyl or polyfluoroalkyl substances (com-
13 monly referred to as “PFAS”) or for lead in a cov-
14 ered area, the Secretary of Defense shall publicly
15 disclose such validated result, including—

16 (A) the results of all such testing con-
17 ducted in the covered area by the Department
18 of Defense; and

19 (B) the results of all such testing con-
20 ducted in the covered area by a non-Depart-
21 ment entity (including any Federal agency and
22 any public or private entity) under a contract,
23 or pursuant to an agreement, with the Depart-
24 ment of Defense.

1 (2) CONSENT BY PRIVATE PROPERTY OWN-
2 ERS.—The Secretary of Defense may not publicly
3 disclose the results of testing for perfluoroalkyl or
4 polyfluoroalkyl substances or lead conducted on pri-
5 vate property without the consent of the property
6 owner.

7 (b) PUBLIC DISCLOSURE OF PLANNED TESTING OF
8 WATER.—Not later than 180 days after the date of the
9 enactment of the Act, and every 90 days thereafter, the
10 Secretary of Defense shall publicly disclose the anticipated
11 timeline for, and general location of, any planned testing
12 for perfluoroalkyl or polyfluoroalkyl substances or lead
13 proposed to be conducted in a covered area, including—

14 (1) all such testing to be conducted by the De-
15 partment of Defense; and

16 (2) all such testing to be conducted by a non-
17 Department entity (including any Federal agency
18 and any public or private entity) under a contract,
19 or pursuant to an agreement, with the Department.

20 (c) NATURE OF DISCLOSURE.—The Secretary of De-
21 fense may satisfy the disclosure requirements under sub-
22 sections (a) and (b) by publishing the results and informa-
23 tion referred to in such subsections—

24 (1) on the publicly available website established
25 under section 331(b) of the National Defense Au-

1 authorization Act for Fiscal Year 2020 (Public Law
2 116–92; 10 U.S.C 2701 note);

3 (2) on another publicly available website of the
4 Department of Defense; or

5 (3) in the Federal Register.

6 (d) LOCAL NOTIFICATION.—Prior to conducting any
7 testing of water for perfluoroalkyl or polyfluoroalkyl sub-
8 stances or lead, including any testing which has not been
9 planned or publicly disclosed pursuant to subsection (b),
10 the Secretary of Defense shall provide notice of the testing
11 to—

12 (1) the managers of the public water system
13 serving the covered area where such testing is to
14 occur;

15 (2) the heads of the municipal government serv-
16 ing the covered area where such testing is to occur;
17 and

18 (3) as applicable, the members of the restora-
19 tion advisory board for the military installation
20 where such testing is to occur.

21 (e) METHODS FOR TESTING.—In testing water for
22 perfluoroalkyl or polyfluoroalkyl substances or lead, the
23 Secretary of Defense shall adhere to methods for meas-
24 uring the amount of such substances in drinking water

1 that have been validated by the Administrator of the Envi-
2 ronmental Protection Agency.

3 (f) DEFINITIONS.—In this section:

4 (1) The term “covered area” means an area in
5 the United States that is located immediately adja-
6 cent to and down gradient from a military installa-
7 tion, a formerly used defense site, or a facility where
8 military activities are conducted by the National
9 Guard of a State pursuant to section 2707(e) of title
10 10, United States Code.

11 (2) The term “formerly used defense site”
12 means any site formerly used by the Department of
13 Defense or National Guard eligible for environ-
14 mental restoration by the Secretary of Defense fund-
15 ed under the “Environmental Restoration Account,
16 Formerly Used Defense Sites” account established
17 under section 2703(a)(5) of title 10, United States
18 Code.

19 (3) The term “military installation” has the
20 meaning given such term in section 2801(c)(4) of
21 title 10, United States Code.

22 (4) The term “perfluoroalkyl or polyfluoroalkyl
23 substance” means any man-made chemical with at
24 least one fully fluorinated carbon atom.

1 (5) The term “public water system” has the
2 meaning given such term under section 1401(4) of
3 the Safe Drinking Water Act (42 U.S.C. 300f(4)).

4 (6) The term “restoration advisory board”
5 means a restoration advisory board established pur-
6 suant to section 2705(d) of title 10, United States
7 Code.

8 **SEC. 320. PFAS TESTING REQUIREMENTS.**

9 Not later than two years after the date of the enact-
10 ment of this Act, the Secretary of Defense shall complete
11 a preliminary assessment and site inspection for PFAS,
12 including testing for PFAS, at all military installations,
13 formerly used defense sites, and State-owned facilities of
14 the National Guard in the United States that have been
15 identified by the Secretary as of the date of the enactment
16 of the Act.

17 **SEC. 321. STANDARDS FOR RESPONSE ACTIONS WITH RE-**
18 **SPECT TO PFAS CONTAMINATION.**

19 (a) IN GENERAL.—In conducting a response action
20 to address perfluoroalkyl or polyfluoroalkyl substance con-
21 tamination from Department of Defense or National
22 Guard activities, the Secretary of Defense shall conduct
23 such actions to achieve a level of such substances in the
24 environmental media that meets or exceeds the most strin-

1 gent of the following standards for each applicable covered
2 PFAS substance in any environmental media:

3 (1) A State standard, in effect in the State in
4 which the response action is being conducted, as de-
5 scribed in section 121(d)(2)(A)(ii) of the Com-
6 prehensive Environmental Response, Compensation,
7 and Liability Act of 1980 (42 U.S.C.
8 9621(d)(2)(A)(ii)).

9 (2) A Federal standard, as described in section
10 121(d)(2)(A)(i) of the Comprehensive Environmental
11 Response, Compensation, and Liability Act of 1980
12 (42 U.S.C. 9621(d)(2)(A)(i)).

13 (3) A health advisory under section
14 1412(b)(1)(F) of the Safe Drinking Water Act (42
15 U.S.C. 300g-1(b)(1)(F)).

16 (b) DEFINITIONS.—In this section:

17 (1) The term “covered PFAS substance” means
18 any of the following:

19 (A) Perfluorononanoic acid (PFNA).

20 (B) Perfluorooctanoic acid (PFOA).

21 (C) Perfluorohexanoic acid (PFHxA).

22 (D) Perfluorooctane sulfonic acid (PFOS).

23 (E) Perfluorohexane sulfonate (PFHxS).

24 (F) Perfluorobutane sulfonic acid (PFBS).

25 (G) GenX.

1 (2) The term “response action” means an ac-
2 tion taken pursuant to section 104 of the Com-
3 prehensive Environmental Response, Compensation,
4 and Liability Act of 1980 (42 U.S.C. 9601).

5 (c) SAVINGS CLAUSE.—Except with respect to the
6 specific level required to be met under subsection (a),
7 nothing in this section affects the application of the Com-
8 prehensive Environmental Response, Compensation, and
9 Liability Act of 1980 (42 U.S.C. 9607).

10 **SEC. 322. REVIEW AND GUIDANCE RELATING TO PREVEN-**
11 **TION AND MITIGATION OF SPILLS OF AQUE-**
12 **OUS FILM-FORMING FOAM.**

13 (a) REVIEW REQUIRED.—Not later than 180 days of
14 after the date of the enactment of this Act, the Secretary
15 of Defense shall complete a review of the efforts of the
16 Department of Defense to prevent or mitigate spills of
17 aqueous film-forming foam (in this section referred to as
18 “AFFF”). Such review shall assess the following:

19 (1) The preventative maintenance guidelines for
20 fire trucks of the Department and fire suppression
21 systems in buildings of the Department, to mitigate
22 the risk of equipment failure that may result in a
23 spill of AFFF.

24 (2) Any requirements for the use of personal
25 protective equipment by personnel when conducting

1 a material transfer or maintenance activity of the
2 Department that may result in a spill of AFFF, or
3 when conducting remediation activities for such a
4 spill, including requirements for side-shield safety
5 glasses, latex gloves, and respiratory protection
6 equipment.

7 (3) The methods by which the Secretary en-
8 sures compliance with guidance specified in material
9 safety data sheets with respect to the use of such
10 personal protective equipment.

11 (b) GUIDANCE.—Not later than 90 days after the
12 date on which the Secretary completes the review under
13 subsection (a), the Secretary shall issue guidance on the
14 prevention and mitigation of spills of AFFF based on the
15 results of such review that includes, at a minimum, best
16 practices and recommended requirements to ensure the
17 following:

18 (1) The supervision by personnel trained in re-
19 sponding to spills of AFFF of each material transfer
20 or maintenance activity of the Department of De-
21 fense that may result in such a spill.

22 (2) The use of containment berms and the cov-
23 ering of storm drains and catch basins by personnel
24 performing maintenance activities for the Depart-
25 ment in the vicinity of such drains or basins.

1 (3) The storage of materials for the cleanup
2 and containment of AFFF in close proximity to fire
3 suppression systems in buildings of the Department
4 and the presence of such materials during any trans-
5 fer or activity specified in paragraph (1).

6 (c) BRIEFING.—Not later than 30 days after the date
7 on which the Secretary issues the guidance under sub-
8 section (b), the Secretary shall provide to the congres-
9 sional defense committees a briefing that summarizes the
10 results of the review conducted under subsection (a) and
11 the guidance issued under subsection (b).

12 **SEC. 323. BUDGET INFORMATION FOR ALTERNATIVES TO**
13 **BURN PITS.**

14 The Secretary of Defense shall include in the budget
15 submission of the President under section 1105(a) of title
16 31, United States Code, for fiscal year 2022 a dedicated
17 budget line item for incinerators and waste-to-energy
18 waste disposal alternatives to burn pits.

19 **SEC. 324. ESTABLISHMENT OF EMISSIONS CONTROL**
20 **STANDARD OPERATING PROCEDURES.**

21 (a) REVIEW.—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Defense
23 shall conduct a review of current electromagnetic spectrum
24 emissions control standard operating procedures across
25 the joint force.

1 (b) STANDARDS REQUIRED.—Not later than 60 days
2 after completing the review under subsection (a), the Sec-
3 retary of Defense shall direct the Secretary of each of the
4 military departments to establish standard operating pro-
5 cedures, down to the battalion or equivalent level, per-
6 taining to emissions control discipline during all manner
7 of operations.

8 (c) REPORT.—Not later than one year after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall submit to the Committees on Armed Services of the
11 Senate and House of Representatives a report on the im-
12 plementation status of the standards required under sub-
13 section (b) by each of the military departments, includ-
14 ing—

15 (1) incorporation into doctrine of the military
16 departments;

17 (2) integration into training of the military de-
18 partments; and

19 (3) efforts to coordinate with the militaries of
20 partner countries and allies to develop similar stand-
21 ards and associated protocols, including through the
22 use of working groups.

1 **SEC. 325. LONG-DURATION DEMONSTRATION INITIATIVE**
2 **AND JOINT PROGRAM.**

3 (a) ESTABLISHMENT OF INITIATIVE.—Not later than
4 March 1, 2022, the Secretary of Defense shall establish
5 a demonstration initiative composed of demonstration
6 projects focused on the development of long-duration en-
7 ergy storage technologies.

8 (b) SELECTION OF PROJECTS.—To the maximum ex-
9 tent practicable, in selecting demonstration projects to
10 participate in the demonstration initiative under sub-
11 section (a), the Secretary of Defense shall—

- 12 (1) ensure a range of technology types;
- 13 (2) ensure regional diversity among projects;
- 14 and
- 15 (3) consider bulk power level, distribution power
16 level, behind-the-meter, microgrid (grid-connected or
17 islanded mode), and off-grid applications.

18 (c) JOINT PROGRAM.—

19 (1) ESTABLISHMENT.—As part of the dem-
20 onstration initiative under subsection (a), the Sec-
21 retary of Defense, in consultation with the Secretary
22 of Energy, shall establish within the Department of
23 Defense a joint program to carry out projects—

- 24 (A) to demonstrate promising long-dura-
25 tion energy storage technologies at different
26 scales to promote energy resiliency; and

1 (B) to help new, innovative long-duration
2 energy storage technologies become commer-
3 cially viable.

4 (2) MEMORANDUM OF UNDERSTANDING.—Not
5 later than 180 days after the date of the enactment
6 of this Act, the Secretary of Defense shall enter into
7 a memorandum of understanding with the Secretary
8 of Energy to administer the joint program.

9 (3) INFRASTRUCTURE.—In carrying out the
10 joint program, the Secretary of Defense and the Sec-
11 retary of Energy shall—

12 (A) use existing test-bed infrastructure
13 at—

14 (i) installations of the Department of
15 Defense; and

16 (ii) facilities of the Department of En-
17 ergy; and

18 (B) develop new infrastructure for identi-
19 fied projects, if appropriate.

20 (4) GOALS AND METRICS.—The Secretary of
21 Defense and the Secretary of Energy shall develop
22 goals and metrics for technological progress under
23 the joint program consistent with energy resilience
24 and energy security policies.

25 (5) SELECTION OF PROJECTS.—

1 (A) IN GENERAL.—To the maximum ex-
2 tent practicable, in selecting projects to partici-
3 pate in the joint program, the Secretary of De-
4 fense and the Secretary of Energy may—

5 (i) ensure that projects are carried
6 out under conditions that represent a vari-
7 ety of environments with different physical
8 conditions and market constraints; and

9 (ii) ensure an appropriate balance
10 of—

11 (I) larger, operationally-scaled
12 projects, adapting commercially-prov-
13 en technology that meets military
14 service defined requirements; and

15 (II) smaller, lower-cost projects.

16 (B) PRIORITY.—In carrying out the joint
17 program, the Secretary of Defense and the Sec-
18 retary of Energy shall give priority to dem-
19 onstration projects that—

20 (i) make available to the public
21 project information that will accelerate de-
22 ployment of long-duration energy storage
23 technologies that promote energy resil-
24 iency; and

1 (ii) will be carried out as field dem-
2 onstrations fully integrated into the instal-
3 lation grid at an operational scale.

4 **SEC. 326. PILOT PROGRAM ON USE OF SUSTAINABLE AVIA-**
5 **TION FUEL.**

6 (a) IN GENERAL.—The Secretary of Defense shall
7 conduct a pilot program at two or more geographically di-
8 verse Department of Defense facilities for the use of sus-
9 tainable aviation fuel. Such program shall be designed
10 to—

11 (1) identify any logistical challenges with re-
12 spect to the use of sustainable aviation fuel by the
13 Department of Defense;

14 (2) promote understanding of the technical and
15 performance characteristics of sustainable aviation
16 fuel when used in a military setting; and

17 (3) engage nearby commercial airports to ex-
18 plore opportunities and challenges to partner on in-
19 creased use of sustainable aviation fuel.

20 (b) SELECTION OF FACILITIES.—

21 (1) SELECTION.—Not later than one year after
22 the date of the enactment of this Act, the Secretary
23 of Defense shall select at least two geographically di-
24 verse Department facilities at which to carry out the
25 pilot program. At least one such facility shall be a

1 facility with an onsite refinery that is located in
2 proximity to at least one major commercial airport
3 that is also actively seeking to increase the use of
4 sustainable aviation fuel.

5 (2) NOTICE TO CONGRESS.—Upon the selection
6 of each facility under paragraph (1), the Secretary
7 shall submit to the Committee on Armed Services
8 and the Committee on Transportation and Infra-
9 structure of the House of Representatives notice of
10 the selection, including an identification of the facil-
11 ity selected.

12 (c) USE OF SUSTAINABLE AVIATION FUEL.—

13 (1) PLANS.—For each facility selected under
14 subsection (b), not later than one year after the se-
15 lection of the facility, the Secretary shall—

16 (A) develop a plan on how to implement,
17 by September 30, 2028, a target of exclusively
18 using at the facility aviation fuel that is blended
19 to contain at least 10 percent sustainable avia-
20 tion fuel;

21 (B) submit the plan to the Committee on
22 Armed Services and the Committee on Trans-
23 portation and Infrastructure of the House of
24 Representatives; and

1 (C) provide to such Committees a briefing
2 on the plan that includes, at a minimum—

3 (i) a description of any operational,
4 infrastructure, or logistical requirements
5 and recommendations for the blending and
6 use of sustainable aviation fuel; and

7 (ii) a description of any stakeholder
8 engagement in the development of the
9 plan, including any consultations with
10 nearby commercial airport owners or oper-
11 ators.

12 (2) IMPLEMENTATION OF PLANS.—For each fa-
13 cility selected under subsection (b), during the pe-
14 riod beginning on a date that is not later than Sep-
15 tember 30, 2028, and for five years thereafter, the
16 Secretary shall require, in accordance with the re-
17 spective plan developed under paragraph (1), the ex-
18 clusive use at the facility of aviation fuel that is
19 blended to contain at least 10 percent sustainable
20 aviation fuel.

21 (d) CRITERIA FOR SUSTAINABLE AVIATION FUEL.—
22 Sustainable aviation fuel used under the pilot program
23 shall meet the following criteria:

1 (1) Such fuel shall be produced in the United
2 States from non-agricultural and non-food-based do-
3 mestic feedstock sources.

4 (2) Such fuel shall constitute drop-in fuel that
5 meets all specifications and performance require-
6 ments of the Department of Defense and the Armed
7 Forces.

8 (e) WAIVER.—The Secretary may waive the use of
9 sustainable aviation fuel at a facility under the pilot pro-
10 gram if the Secretary—

11 (1) determines such use is not feasible due to
12 a lack of domestic availability of sustainable aviation
13 fuel or a national security contingency; and

14 (2) submits to the congressional defense com-
15 mittees notice of such waiver and the reasons for
16 such waiver.

17 (f) FINAL REPORT.—At the conclusion of the pilot
18 program, the Assistant Secretary of Defense for Energy,
19 Installations, and Environment shall submit to the Com-
20 mittee on Armed Services and the Committee on Trans-
21 portation and Infrastructure of the House of Representa-
22 tives a final report on the pilot program. Such report shall
23 include each of the following:

1 (1) An assessment of the effect of using sus-
2 tainable aviation fuel on the overall fuel costs of
3 blended fuel.

4 (2) A description of any operational, infrastruc-
5 ture, or logistical requirements and recommenda-
6 tions for the blending and use of sustainable aviation
7 fuel, with a focus on scaling up military-wide adop-
8 tion of such fuel.

9 (3) Recommendations with respect to how mili-
10 tary installations can leverage proximity to commer-
11 cial airports and other jet fuel consumers to increase
12 the rate of use of sustainable aviation fuel, for both
13 military and non-military use, including potential
14 collaboration on innovative financing or purchasing
15 and shared supply chain infrastructure.

16 (4) A description of the effects on performance
17 and operation aircraft using sustainable aviation fuel
18 including—

19 (A) if used, considerations of various
20 blending ratios and their associated benefits;

21 (B) efficiency and distance improvements
22 of flights fuels using sustainable aviation fuel;

23 (C) weight savings on large transportation
24 aircraft and other types of aircraft with using

1 blended fuel with higher concentrations of sus-
2 tainable aviation fuel;

3 (D) maintenance benefits of using sustain-
4 able aviation fuel, including engine longevity;

5 (E) the effect of the use of sustainable
6 aviation fuel on emissions and air quality;

7 (F) the effect of the use of sustainable
8 aviation fuel on the environment and on sur-
9 rounding communities, including environmental
10 justice factors that are created by the demand
11 for and use of sustainable aviation fuel by the
12 Department of Defense; and

13 (G) benefits with respect to job creation in
14 the sustainable aviation fuel production and
15 supply chain.

16 (g) SUSTAINABLE AVIATION FUEL DEFINED.—In
17 this section, the term “sustainable aviation fuel” means
18 liquid fuel that—

19 (1) consists of synthesized hydrocarbon;

20 (2) meets the requirements of—

21 (A) ASTM International Standard D7566

22 (or such successor standard); or

23 (B) the co-processing provisions of ASTM
24 International Standard D1655, Annex A1 (or
25 such successor standard);

1 (3) is derived from biomass (as such term is de-
2 fined in section 45K(c)(3) of the Internal Revenue
3 Code of 1986), waste streams, renewable energy
4 sources, or gaseous carbon oxides;

5 (4) is not derived from palm fatty acid dis-
6 tillates; and

7 (5) conforms to the standards, recommended
8 practices, requirements and criteria, supporting doc-
9 uments, implementation elements, and any other
10 technical guidance, for sustainable aviation fuels
11 that are adopted by the International Civil Aviation
12 Organization with the agreement of the United
13 States.

14 **SEC. 327. JOINT DEPARTMENT OF DEFENSE AND DEPART-**
15 **MENT OF AGRICULTURE STUDY ON BIO-**
16 **REMEDIATION OF PFAS USING MYCOLOGICAL**
17 **ORGANIC MATTER.**

18 (a) STUDY.—The Secretary of Defense, acting
19 through the Assistant Secretary of Defense for Energy,
20 Installations, and Environment, Strategic Environmental
21 Research and Development Program, and the Secretary
22 of Agriculture, acting through the Administrator of the
23 Agricultural Research Service, shall jointly carry out a
24 study on the bioremediation of PFAS using mycological

1 organic matter. Such study shall commence not later than
2 one year after the date of the enactment of this Act.

3 (b) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Secretary of Defense and
5 the Secretary of Agriculture shall jointly submit to the
6 Committee on Agriculture and the Committee on Armed
7 Services of the House or Representatives and the Com-
8 mittee on Agriculture, Forestry, and Nutrition and the
9 Committee on Armed Services of the Senate a report on
10 the study conducted pursuant to subsection (a).

11 (c) PFAS.—In this section, the term “PFAS” means
12 per- and polyfluoroalkyl substances.

13 **SEC. 328. REPORT ON AIR FORCE PROGRESS REGARDING**
14 **CONTAMINATED REAL PROPERTY.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the Air Force has contaminated property
18 across the United States with harmful
19 perfluorooctanoic acid and perfluorooctane sulfonate
20 chemicals;

21 (2) perfluorooctanoic acid and perfluorooctane
22 sulfonate contamination threatens the jobs, lives,
23 and livelihoods of citizens and livestock who live in
24 contaminated areas;

1 (3) property owners, especially those facing se-
2 vere financial hardship, cannot wait any longer for
3 the Air Force to acquire contaminated property; and

4 (4) the Air Force should, in an expeditious
5 manner, use the authority under section 344 of the
6 National Defense Authorization Act 2020 (Public
7 Law 116–92; 10 U.S.C. 2701 note) to acquire con-
8 taminated property and provide relocation assist-
9 ance.

10 (b) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act, the Secretary of the Air
12 Force shall submit to the Committees on Armed Services
13 of the Senate and House of Representatives a report on
14 the progress of the Air Force in carrying out section 344
15 of the National Defense Authorization Act 2020 (Public
16 Law 116–92; 10 U.S.C. 2701 note). Such report shall in-
17 clude—

18 (1) a detailed description of any real property
19 contaminated by perfluorooctanoic acid and
20 perfluorooctane sulfonate by the Air Force;

21 (2) a description of any progress made by the
22 Air Force to acquire property or provide relocation
23 assistance pursuant to such section 344; and

1 (3) if the Air Force has not acquired property
2 or provided relocation assistance pursuant to such
3 section, an explanation of why it has not.

4 **SEC. 329. ENERGY, WATER, AND WASTE NET ZERO RE-**
5 **QUIREMENTS FOR CONSTRUCTION OF NEW**
6 **BUILDINGS.**

7 (a) **REQUIREMENTS DESCRIBED.**—For fiscal year
8 2022 and any subsequent fiscal year, the Secretary of De-
9 fense shall improve building efficiency, performance, and
10 management by ensuring that the new construction of any
11 Department of Defense building larger than 5,000 gross
12 square feet that enters the planning process is designed
13 to achieve energy net-zero and water or waste net-zero by
14 fiscal year 2035.

15 (b) **WAIVER FOR NATIONAL SECURITY.**—The Sec-
16 retary may waive the requirement of subsection (a) with
17 respect to a building if the Secretary provides the Commit-
18 tees on Armed Services of the House of Representatives
19 and Senate with a certification that the application of such
20 requirement would be detrimental to national security.

21 (c) **STATUS REPORT AND BRIEFINGS ON PROGRESS**
22 **TOWARDS MEETING CURRENT GOAL REGARDING USE OF**
23 **RENEWABLE ENERGY TO MEET FACILITY ENERGY**
24 **NEEDS.**—Section 2911(g) of title 10, United States Code,

1 is amended by adding at the end the following new para-
2 graph:

3 “(4) The Secretary of Defense shall—

4 “(A) not later than 180 days after the date of
5 the enactment of this paragraph, submit a report to
6 the Committees on Armed Services of the House of
7 Representatives and Senate on the progress the Sec-
8 retary has made towards meeting the goal described
9 in paragraph (1)(A) with respect to fiscal year 2025;
10 and

11 “(B) during fiscal year 2022 and each suc-
12 ceeding fiscal year through fiscal year 2025, provide
13 a briefing to the Committees on Armed Services of
14 the House of Representatives and Senate on the
15 progress the Secretary has made towards meeting
16 the goal described in paragraph (1)(A) with respect
17 to fiscal year 2025.”.

18 **SEC. 330. REVIEW OF AGREEMENTS WITH NON-DEPART-**
19 **MENT ENTITIES WITH RESPECT TO PREVEN-**
20 **TION AND MITIGATION OF SPILLS OF AQUE-**
21 **OUS FILM-FORMING FOAM.**

22 (a) REVIEW REQUIRED.—Not later than 180 days of
23 after the date of the enactment of this Act, the Secretary
24 of Defense shall complete a review of mutual support
25 agreements entered into with non-Department of Defense

1 entities (including State and local entities) that involve
2 fire suppression activities in support of missions of the De-
3 partment.

4 (b) MATTERS.—The review under subsection (a) shall
5 assess, with respect to the agreements specified in such
6 subsection, the following:

7 (1) The preventative maintenance guidelines
8 specified in such agreements for fire trucks and fire
9 suppression systems, to mitigate the risk of equip-
10 ment failure that may result in a spill of aqueous
11 film-forming foam (in this section referred to as
12 “AFFF”).

13 (2) Any requirements specified in such agree-
14 ments for the use of personal protective equipment
15 by personnel when conducting a material transfer or
16 maintenance activity pursuant to the agreement that
17 may result in a spill of AFFF, or when conducting
18 remediation activities for such a spill, including re-
19 quirements for side-shield safety glasses, latex
20 gloves, and respiratory protection equipment.

21 (3) The methods by which the Secretary, or the
22 non-Department entity with which the Secretary has
23 entered into the agreement, ensures compliance with
24 guidance specified in the agreement with respect to
25 the use of such personal protective equipment.

1 (c) GUIDANCE.—Not later than 90 days after the
2 date on which the Secretary completes the review under
3 subsection (a), the Secretary shall issue guidance (based
4 on the results of such review) on requirements to include
5 under the agreements specified in such subsection, to en-
6 sure the prevention and mitigation of spills of AFFF.
7 Such guidance shall include, at a minimum, best practices
8 and recommended requirements to ensure the following:

9 (1) The supervision by personnel trained in re-
10 sponding to spills of AFFF of each material transfer
11 or maintenance activity carried out pursuant to such
12 an agreement that may result in such a spill.

13 (2) The use of containment berms and the cov-
14 ering of storm drains and catch basins by personnel
15 performing maintenance activities pursuant to such
16 an agreement in the vicinity of such drains or ba-
17 sins.

18 (3) The storage of materials for the cleanup
19 and containment of AFFF in close proximity to fire
20 suppression systems in buildings of the Department
21 and the presence of such materials during any trans-
22 fer or activity specified in paragraph (1).

23 (d) BRIEFING.—Not later than 30 days after the date
24 on which the Secretary issues the guidance under sub-
25 section (c), the Secretary shall provide to the congressional

1 defense committees a briefing that summarizes the results
2 of the review conducted under subsection (a) and the guid-
3 ance issued under subsection (c).

4 **SEC. 331. INSPECTION OF PIPING AND SUPPORT INFRA-**
5 **STRUCTURE AT RED HILL BULK FUEL STOR-**
6 **AGE FACILITY, HAWAII.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The continued availability and use of the
9 Red Hill Bulk Fuel Storage Facility in Honolulu,
10 Hawai'i is a matter of national security. Persistent
11 fuel availability in quantity, location, and secured
12 siting is a key component in ensuring resilient
13 logistical support for sustained forward operations in
14 the Indo-Pacific region and the execution of the Na-
15 tional Defense Strategy, including the objectives of
16 maintaining a free and open Indo-Pacific.

17 (2) The Red Hill Bulk Fuel Facility is con-
18 structed in basalt rock that overlays a key aquifer
19 serving as one of the major ground water resources
20 for the fresh water needs of the City of Honolulu,
21 including key military installations and associated
22 facilities. Past leaks from the tanks and other infra-
23 structure of the Red Hill Bulk Fuel Storage Facil-
24 ity, while not resulting in any appreciable effect to
25 the aquifer, raise significant questions whether the

1 facility is being operated and maintained to the
2 highest standard possible and whether the facility
3 presents a material risk to the aquifer and to Hono-
4 lulu water resources.

5 (3) Safety inspections of the Red Hill Bulk
6 Fuel Storage Facility at 10-year intervals, as re-
7 quired by the American Petroleum Institute 570
8 standards, set the upper boundaries for inspections.

9 (b) SENSE OF CONGRESS.—In order to fully effec-
10 tuate national security, assure the maximum safe utiliza-
11 tion of the Red Hill Bulk Fuel Storage Facility, and fully
12 address concerns as to potential impacts of the facility on
13 public health, it is the sense of Congress that the Sec-
14 retary of the Navy and the Defense Logistics Agency
15 should—

16 (1) operate and maintain the Red Hill Bulk
17 Fuel Storage Facility to the highest standard pos-
18 sible; and

19 (2) require safety inspections to be conducted
20 more frequently based on the corrosion rate of the
21 piping and overall condition of the pipeline system
22 and support equipment at the facility.

23 (c) INSPECTION REQUIREMENT.—

24 (1) INSPECTION REQUIRED.—The Secretary of
25 the Navy shall direct the Naval Facilities Engineer-

1 ing Command to conduct an inspection of the pipe-
2 line system, supporting infrastructure, and appur-
3 tenances, including valves and any other corrosion
4 prone equipment, at the Red Hill Bulk Fuel Storage
5 Facility.

6 (2) INSPECTION AGENT; STANDARDS.—The in-
7 spection required by this subsection shall be per-
8 formed—

9 (A) by an independent American Petro-
10 leum Institute certified inspector who will
11 present findings of the inspection and options
12 to the Secretary of the Navy for improving the
13 integrity of the Red Hill Bulk Fuel Storage Fa-
14 cility and its appurtenances; and

15 (B) in accordance with the Unified Facili-
16 ties Criteria (UFC-3-460-03) and American Pe-
17 troleum Institute 570 inspection standards.

18 (3) EXCEPTION.—The inspection required by
19 this subsection excludes the fuel tanks at the Red
20 Hill Bulk Fuel Storage Facility.

21 (d) LIFE-CYCLE SUSTAINMENT PLAN.—In conjunc-
22 tion with the inspection required by subsection (c), the
23 Naval Facilities Engineering Command shall prepare a
24 life-cycle sustainment plan for the Red Hill Bulk Fuel
25 Storage Facility, which shall consider the current condi-

1 tion and service life of the tanks, pipeline system, and sup-
2 port equipment.

3 (e) SUBMISSION OF RESULTS AND PLAN.—Not later
4 than one year after the date of the enactment of this Act,
5 the Secretary of the Navy shall submit to the Committees
6 on Armed Services of the Senate and the House of Rep-
7 resentatives a report containing—

8 (1) the results of the inspection conducted
9 under subsection (c);

10 (2) the life-cycle sustainment plan prepared
11 under subsection (d); and

12 (3) options on improving the security and main-
13 tenance of the Red Hill Bulk Fuel Storage Facility.

14 **SEC. 332. AMENDMENT TO BUDGETING OF DEPARTMENT**
15 **OF DEFENSE RELATING TO EXTREME WEATH-**
16 **ER.**

17 Section 328(a) of the National Defense Authorization
18 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
19 221 note) is amended—

20 (1) in paragraph (1), by striking “; and” and
21 inserting a semicolon;

22 (2) in paragraph (2), by striking the period at
23 the end and inserting “; and”; and

24 (3) by inserting after paragraph (2) the fol-
25 lowing:

1 “(3) a calculation of the annual costs to the
2 Department for assistance provided to—

3 “(A) the Federal Emergency Management
4 Agency or Federal land management agencies—

5 “(i) pursuant to requests for such as-
6 sistance; and

7 “(ii) approved under the National
8 Interagency Fire Center; and

9 “(B) any State, Territory, or possession
10 under title 10 or title 32, United States Code,
11 regarding extreme weather.”.

12 **SEC. 333. SENSE OF CONGRESS REGARDING ELECTRIC OR**
13 **ZERO-EMISSION VEHICLES FOR NON-COMBAT**
14 **VEHICLE FLEET.**

15 It is the sense of Congress that any new non-tactical
16 Federal vehicle purchased by the Department of Defense
17 for use outside of combat should, to the greatest extent
18 practicable, be an electric or zero-emission vehicle.

19 **SEC. 334. PILOT PROGRAM TO TEST NEW SOFTWARE TO**
20 **TRACK EMISSIONS AT CERTAIN MILITARY IN-**
21 **STALLATIONS.**

22 (a) IN GENERAL.—The Secretary of Defense may
23 conduct a pilot program (to be known as the “Installations
24 Emissions Tracking Program”) to evaluate the feasibility
25 and effectiveness of software and emerging technologies

1 and methodologies to track real-time emissions from in-
2 stallations and installation assets.

3 (b) GOALS.—The goals of the Installations Emissions
4 Tracking Program are—

5 (1) to prove software and emerging tech-
6 nologies, methodologies, and capabilities to effec-
7 tively track emissions in real time; and

8 (2) to reduce energy costs and increase effi-
9 ciencies.

10 (c) LOCATIONS.—If the Secretary conducts the In-
11 stallations Emissions Tracking Program, the Secretary
12 shall select, for purposes of the Program, four major mili-
13 tary installations located in different geographical regions
14 of the United States that the Secretary determines—

15 (1) are prone to producing higher emissions;

16 (2) are in regions that historically have poor air
17 quality; and

18 (3) have historically higher than average utility
19 costs.

20 **SEC. 335. DEPARTMENT OF DEFENSE PLAN TO MEET**
21 **SCIENCE-BASED EMISSIONS TARGETS.**

22 (a) PLAN REQUIRED.—Not later than September 30,
23 2022, the Secretary of Defense shall submit to Congress
24 a plan to reduce the greenhouse gas emissions of the De-
25 partment of Defense, including Department of Defense

1 functions that are performed by contractors, in line with
2 science-based emissions targets.

3 (b) UPDATES.—The Secretary shall submit to Con-
4 gress annual reports on the progress of the Department
5 of Defense toward meeting the science-based emissions
6 targets in the plan required by subsection (a).

7 (c) SCIENCE-BASED EMISSIONS TARGET.—In this
8 section, the term “science-based emissions target” means
9 a reduction in greenhouse gas emissions consistent with
10 preventing an increase in global average temperature of
11 greater than or equal to 1.5 degrees Celsius compared to
12 pre-industrial levels.

13 **SEC. 336. REPORT ON CLEAN UP OF CONTAMINATED ARMY**
14 **PROPERTY.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) There are numerous properties that were
18 under the jurisdiction of the Department of the
19 Army, such as former Nike missile sites, but that
20 have been transferred to units of local government.

21 (2) Many of these properties may remain pol-
22 luted because of activity by the Department of De-
23 fense.

24 (3) This pollution may inhibit the use of these
25 properties for commercial or residential purposes.

1 (4) Knowledge and understanding of the im-
2 pacts of contaminants from Department of Defense
3 activities have developed and changed over time.

4 (5) The Department of Defense has an obliga-
5 tion to facilitate the clean-up of such pollutants even
6 after the sites have been transferred to local govern-
7 ments.

8 (b) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Secretary of the Army
10 shall submit to the Committees on Armed Services of the
11 Senate and House of Representatives a report that con-
12 tains each of the following:

13 (1) A plan to facilitate the clean-up of each
14 contaminated property that was under the jurisdic-
15 tion of the Department of the Army and subse-
16 quently transferred to a unit of local government.

17 (2) An identification of any site where the De-
18 partment of the Army has previously conducted
19 clean-up activities but due to contaminants not dis-
20 covered until after transfer or newly identified con-
21 taminants, additional clean-up may be necessary.

22 (3) An explanation of how any site identified
23 under paragraph (2) is to be prioritized relative to
24 other sites, such as active sites or sites set for trans-
25 fer.

1 (4) A detailed plan to conduct preliminary as-
2 sessments and site inspections for each site identi-
3 fied under paragraph (2) by not later than five years
4 after the date of the submittal of the report.

5 **SEC. 337. GRANTS FOR MAINTAINING OR IMPROVING MILI-**
6 **TARY INSTALLATION RESILIENCE.**

7 Section 2391 of title 10, United States Code, is
8 amended—

9 (1) in subsection (b)(5), by adding at the end
10 the following new subparagraph:

11 “(D)(i) The Secretary of Defense may also make
12 grants, conclude cooperative agreements, and supplement
13 other Federal funds, in order to assist a State or local
14 government in planning and implementing measures and
15 projects that, as determined by the Secretary of Defense,
16 will contribute to maintaining or improving military instal-
17 lation resilience. Amounts appropriated or otherwise made
18 available for assistance under this subparagraph shall re-
19 main available until expended.

20 “(ii) In the case of funds provided under this sub-
21 paragraph for projects involving the preservation, mainte-
22 nance, or restoration of natural features for the purpose
23 of maintaining or enhancing military installation resil-
24 ience, such funds may be provided in a lump sum and in-
25 clude an amount intended to cover the future costs of the

1 natural resource maintenance and improvement activities
2 required for the preservation, maintenance, or restoration
3 of such natural features, and may be placed by the recipi-
4 ent in an interest-bearing or other investment account,
5 and any interest or income shall be applied for the same
6 purposes as the principal.”; and

7 (2) in subsection (e)(1), by striking “subsection
8 (b)(1)(D)” inserting “paragraphs (1)(D) and (E)
9 and (5)(D) of subsection (b) and subsection (d)”.

10 **SEC. 338. INCLUSION OF INFORMATION REGARDING CLI-**
11 **MATE CHANGE IN REPORTS ON NATIONAL**
12 **TECHNOLOGY AND INDUSTRIAL BASE.**

13 Section 2504(3)(B) of title 10, United States Code,
14 is amended—

15 (1) by redesignating clauses (i) through (iii) as
16 clauses (ii) through (iv), respectively; and

17 (2) by inserting before clause (ii), as so redesign-
18 nated, the following new clause (i):

19 “(i) vulnerabilities related to the cur-
20 rent and projected impacts of climate
21 change and to cyberattacks or disrup-
22 tions;”.

1 **SEC. 339. SENSE OF CONGRESS REGARDING REPORT OF**
2 **THE INTERGOVERNMENTAL PANEL ON CLI-**
3 **MATE CHANGE.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The Intergovernmental Panel on Climate
7 Change has provided valuable scientific assessments
8 on climate change since its creation in 1988.

9 (2) The first part of the Sixth Assessment Re-
10 port, Climate Change 2021: The Physical Science
11 Basis, was finalized on August 6, 2021.

12 (3) The report finds that the global average
13 temperature is expected to reach or exceed 1.5 de-
14 grees celsius above pre-industrial levels within the
15 coming decades without immediate and large-scale
16 efforts to reduce greenhouse gas emissions.

17 (4) This increase in global temperature will af-
18 fect all regions of the world, impacting weather pat-
19 terns, sea levels, ocean temperatures, biodiversity,
20 and more.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) the Department of Defense should take the
24 most recent report of the Intergovernmental Panel
25 on Climate Change into consideration when carrying
26 out resiliency efforts and making energy and trans-

1 portation decisions for military bases and installa-
2 tions; and

3 (2) the Department of Defense should consider
4 adding the recommendations of the Sixth Assess-
5 ment Report to the Unified Facilities Criteria where
6 appropriate.

7 **Subtitle C—Logistics and** 8 **Sustainment**

9 **SEC. 341. MITIGATION OF CONTESTED LOGISTICS CHAL-** 10 **LENGES OF THE DEPARTMENT OF DEFENSE** 11 **THROUGH REDUCTION OF OPERATIONAL EN-** 12 **ERGY DEMAND.**

13 (a) CLARIFICATION OF OPERATIONAL ENERGY RE-
14 SPONSIBILITIES.—Section 2926 of title 10, United States
15 Code, is amended—

16 (1) in subsection (a), by inserting “in contested
17 logistics environments” after “missions”; and

18 (2) in subsection (b)—

19 (A) in the heading, by striking “AUTHORI-
20 TIES” and inserting “RESPONSIBILITIES”;

21 (B) in the matter preceding paragraph (1),
22 by striking “may” and inserting “shall”;

23 (C) by amending paragraph (1) to read as
24 follows:

1 “(1) require the Secretaries concerned and the
2 commanders of the combatant commands to assess
3 the energy supportability in contested logistics envi-
4 ronments of systems, capabilities, and plans;”;

5 (D) in paragraph (2), by inserting “
6 supportability in contested logistics environ-
7 ments,” after “power,”; and

8 (E) in paragraph (3), by inserting “in con-
9 tested logistics environments” after
10 “vulnerabilities”.

11 (b) ESTABLISHMENT OF WORKING GROUP.—Such
12 section is further amended—

13 (1) in subsection (c)—

14 (A) in the matter preceding paragraph (1),
15 by inserting “ and in coordination with the
16 working group under subsection (d)” after
17 “components”;

18 (B) in paragraph (1), by striking “Defense
19 and oversee” and inserting “Defense, including
20 the activities of the working group established
21 under subsection (d), and oversee”;

22 (C) in paragraph (2), by inserting “, tak-
23 ing into account the findings of the working
24 group under subsection (d)” after “Defense”;
25 and

1 (D) paragraph (3), by inserting “, taking
2 into account the findings of the working group
3 under subsection (d)” after “resilience”;

4 (2) by redesignating subsections (d) through (f)
5 as subsections (e) through (g), respectively;

6 (3) by inserting after subsection (c), as amend-
7 ed by paragraph (1), the following new subsection:

8 “(d) WORKING GROUP.—(1) The Secretary of De-
9 fense shall establish a working group to integrate efforts
10 to mitigate contested logistics challenges through the re-
11 duction of operational energy demand that are carried out
12 within each armed force, across the armed forces, and with
13 the Office of the Secretary of Defense and to conduct
14 other coordinated functions relating to such efforts.

15 “(2) The head of the working group under paragraph
16 (1) shall be the Assistant Secretary of Defense for Energy,
17 Installations, and Environment. The Assistant Secretary
18 shall supervise the members of the working group and pro-
19 vide guidance to such members with respect to specific
20 operational energy plans and programs to be carried out
21 pursuant to the strategy under subsection (e).

22 “(3) The members of the working group under para-
23 graph (1) shall be appointed as follows:

24 “(A) A senior official of each armed force, who
25 shall be nominated by the Secretary concerned and

1 confirmed by the Senate to represent such armed
2 force.

3 “(B) A senior official from each geographic and
4 functional combatant command, who shall be ap-
5 pointed by the commander of the respective combat-
6 ant command to represent such combatant com-
7 mand.

8 “(C) A senior official under the jurisdiction of
9 the Chairman of the Joint Chiefs of Staff, who shall
10 be appointed by the Chairman to represent the Joint
11 Chiefs of Staff and the Joint Staff.

12 “(4) Each member of the working group shall be re-
13 sponsible for carrying out operational energy plans and
14 programs and implementing coordinated initiatives pursu-
15 ant to the strategy under subsection (e) for the respective
16 component of the Department that the member rep-
17 resents.

18 “(5) The duties of the working group under para-
19 graph (1) shall be as follows:

20 “(A) Planning for the integration of efforts to
21 mitigate contested logistics challenges through the
22 reduction of operational energy demand carried out
23 within each armed force, across the armed forces,
24 and with the Office of the Secretary of Defense.

1 “(B) Developing recommendations regarding
2 the strategy for operational energy under subsection
3 (e).

4 “(C) Developing recommendations relating to
5 the development of, and modernization efforts for,
6 platforms and weapons systems of the armed forces.

7 “(D) Developing recommendations to ensure
8 that such development and modernization efforts
9 lead to increased lethality, extended range, and ex-
10 tended on-station time for tactical assets.

11 “(E) Developing recommendations to mitigate
12 the effects of hostile action by a near-peer adversary
13 targeting operational energy storage and operations
14 of the armed forces, including through the use of in-
15 novative delivery systems, distributed storage, flexi-
16 ble contracting, and improved automation.”; and

17 (4) in subsection (g), as redesignated by para-
18 graph (2)—

19 (A) in paragraph (1)—

20 (i) by striking “The Secretary of a
21 military department” and inserting “Each
22 member of the working group under sub-
23 section (d)”;

24 (ii) by striking “conducted by the
25 military department” and inserting “con-

1 ducted by the respective component of the
2 Department that the member represents
3 for purposes of the working group”; and

4 (B) in paragraph (2), by striking “military
5 department” and inserting “armed force”.

6 (c) MODIFICATIONS TO OPERATIONAL ENERGY
7 STRATEGY.—Subsection (e) of such section, as redesign-
8 nated by subsection (b)(2), is amended to read as follows:

9 “(1) The Assistant Secretary of Defense for Energy,
10 Installations, and Environment, in coordination with the
11 working group under subsection (d), shall be responsible
12 for the establishment and maintenance of a department-
13 wide transformational strategy for operational energy. The
14 strategy shall be updated every five years and shall estab-
15 lish near-term, mid-term, and long-term goals, perform-
16 ance metrics to measure progress in meeting the goals,
17 and a plan for implementation of the strategy within each
18 armed force, across the armed forces, and with the Office
19 of the Secretary of Defense.

20 “(2) The strategy required under paragraph (1) shall
21 include the following:

22 “(A) A plan to integrate efforts to mitigate con-
23 tested logistics challenges through the reduction of
24 operational energy demand within each armed force.

1 “(B) An assessment of how industry trends
2 transitioning from the production of internal com-
3 bustion engines to the development and production
4 of alternative propulsion systems may affect the
5 long-term availability of parts for military equip-
6 ment, the fuel costs for such equipment, and the
7 sustainability of such equipment.

8 “(C) An assessment of any fossil fuel reduction
9 technologies, including electric, hydrogen, or other
10 sustainable fuel technologies, that may reduce oper-
11 ational energy demand in the near-term or long-
12 term.

13 “(D) An assessment of any risks or opportuni-
14 ties related to the development of tactical vehicles or
15 other military equipment that use alternative propul-
16 sion systems, including any such risks or opportuni-
17 ties with respect the supply chain or resupply capa-
18 bilities of the armed forces or the congruence of
19 such systems with the systems used by allies of the
20 United States.

21 “(E) An assessment of how the Secretaries con-
22 cerned and the commanders of the combatant com-
23 mands can better plan for challenges presented by
24 near-peer adversaries in a contested logistics envi-
25 ronment, including through innovative delivery sys-

1 tems, distributed storage, flexible contracting, and
2 improved automation.

3 “(F) An assessment of any infrastructure in-
4 vestments of allied and partner countries that may
5 affect operational energy availability in the event of
6 a conflict with a near-peer adversary.

7 “(3) By authority of the Secretary of Defense, and
8 taking into consideration the findings of the working
9 group, the Assistant Secretary shall prescribe policies and
10 procedures for the implementation of the strategy and
11 make recommendations to the Secretary of Defense and
12 Deputy Secretary of Defense with respect to specific oper-
13 ational energy plans and programs to be carried out pur-
14 suant to the strategy.

15 “(4) Not later than 30 days after the date on which
16 the budget for fiscal year 2024 is submitted to Congress
17 pursuant to section 1105 of title 31, and every five years
18 thereafter, the Assistant Secretary shall submit to the con-
19 gressional defense committees the strategy required under
20 paragraph (1).”.

21 (d) DEFINITIONS.—Such section is further amended
22 by adding at the end the following new subsection:

23 “(h) DEFINITIONS.—In this section:

24 “(1) The term ‘contested logistics environment’
25 means an environment in which the armed forces en-

1 gage in conflict with an adversary that presents
2 challenges in all domains and directly targets logis-
3 tics operations, facilities, and activities in the United
4 States, abroad, or in transit from one location to the
5 other.

6 “(2) The term ‘tactical vehicle’ means a vehicle
7 owned by the Department of Defense or the armed
8 forces and used in combat, combat support, combat
9 service support, tactical, or relief operations, or in
10 training for such operations.”.

11 (e) CONFORMING AMENDMENT.—Section 2926(e)(5)
12 of title 10, United States Code, is amended by striking
13 “subsection (e)(4)” and inserting “subsection (f)(4)”.

14 (f) INTERIM REPORT.—Not later than 180 days after
15 the date of the enactment of this Act, the Assistant Sec-
16 retary of Defense for Energy, Installations, and Environ-
17 ment shall submit to the congressional defense committees
18 an interim report on any actions taken pursuant to the
19 amendments made by this section. Such report shall in-
20 clude an update regarding the establishment of the work-
21 ing group under section 2926(d) of title 10, United States
22 Code, as amended by subsection (b).

1 **SEC. 342. GLOBAL BULK FUEL MANAGEMENT AND DELIV-**
2 **ERY.**

3 (a) DESIGNATION OF RESPONSIBLE COMBATANT
4 COMMAND.—

5 (1) DESIGNATION REQUIRED.—Subchapter III
6 of chapter 173 of title 10, United States Code, is
7 amended by adding at the end the following new sec-
8 tion:

9 **“§ 2927. Global bulk fuel management and delivery**

10 “The Secretary of Defense shall designate a combat-
11 ant command to be responsible for bulk fuel management
12 and delivery of the Department on a global basis.”.

13 (2) CLERICAL AMENDMENT.—The table of con-
14 tents for such subchapter is amended by adding at
15 the end the following new item:

“2927. Global bulk fuel management and delivery.”.

16 (3) DEADLINE FOR DESIGNATION; NOTICE.—
17 Not later than 30 days after the date of the enact-
18 ment of this Act, the Secretary of Defense shall—

19 (A) make the designation required under
20 section 2927 of title 10, United States Code (as
21 added by paragraph (1)); and

22 (B) provide to the Committees on Armed
23 Services of the Senate and the House of Rep-
24 resentatives notice of the combatant command
25 so designated.

1 (b) GLOBAL BULK FUEL MANAGEMENT STRAT-
2 EGY.—

3 (1) STRATEGY REQUIRED.—The commander of
4 the combatant command designated under section
5 2927 of title 10, United States Code (as added by
6 subsection (a)), shall prepare and submit to the con-
7 gressional defense committees a strategy to develop
8 the infrastructure and programs necessary to opti-
9 mally support global bulk fuel management of the
10 Department of Defense.

11 (2) ADDITIONAL ELEMENTS.—The strategy
12 under paragraph (1) shall include the following addi-
13 tional elements:

14 (A) A description of the current organiza-
15 tional responsibility for bulk fuel management
16 of the Department, organized by geographic
17 combatant command, including with respect to
18 ordering, storage, and strategic and tactical
19 transportation.

20 (B) A description of any legacy bulk fuel
21 management assets of each of the geographic
22 combatant commands.

23 (C) A description of the operational plan to
24 exercise such assets to ensure full functionality

1 and to repair, upgrade, or replace such assets
2 as necessary.

3 (D) An identification of the resources re-
4 quired for any such repairs, upgrades, or re-
5 placements.

6 (E) A description of the current programs
7 relating to platforms, weapon systems, or re-
8 search and development, that are aimed at
9 managing fuel constraints by decreasing de-
10 mand for fuel.

11 (F) An assessment of current and pro-
12 jected threats to forward-based bulk fuel deliv-
13 ery, storage, and distribution systems, and an
14 assessment, based on such current and pro-
15 jected threats, of attrition to bulk fuel infra-
16 structure, including storage and distribution
17 systems, in a conflict involving near-peer for-
18 eign countries.

19 (G) An assessment of current days of sup-
20 ply guidance, petroleum war reserve require-
21 ments, and prepositioned war reserve stocks,
22 based on operational tempo associated with dis-
23 tributed operations in a contested environment.

24 (H) An identification of the resources re-
25 quired to address any changes to such guid-

1 ance, requirements, or stocks recommended as
2 the result of such assessment.

3 (I) An identification of any global shortfall
4 with respect to bulk fuel management, orga-
5 nized by geographic combatant command, and a
6 prioritized list of investment recommendations
7 to address each shortfall identified.

8 (3) COORDINATION.—In preparing the strategy
9 under paragraph (1), the commander of the combat-
10 ant command specified in such paragraph shall co-
11 ordinate with subject matter experts of the Joint
12 Staff, the geographic combatant commands, the
13 United States Transportation Command, the De-
14 fense Logistics Agency, and the military depart-
15 ments.

16 (c) LIMITATION ON AVAILABILITY OF FUNDS FOR
17 DEFENSE LOGISTICS AGENCY (ENERGY).—Of the funds
18 authorized to be appropriated by this Act or otherwise
19 made available for fiscal year 2022 for the Defense Logis-
20 tics Agency (Energy), not more than 50 percent may be
21 obligated or expended before the date on which the notice
22 under subsection (a)(3)(B) is provided.

23 (d) CONFORMING AMENDMENTS.—Section 2854 of
24 the Military Construction Authorization Act for Fiscal
25 Year 2021 (Public Law 116–283) is amended—

1 (1) in subsection (b), by striking “The organi-
2 zational element designated pursuant to subsection
3 (a)” and inserting “The Secretary of Defense”;

4 (2) in subsection (c), by striking “subsection
5 (b)” and inserting “subsection (a)”;

6 (3) by striking subsections (a) and (d); and

7 (4) by redesignating subsections (b) and (c), as
8 amended by paragraphs (1) and (2), as subsections
9 (a) and (b), respectively.

10 **SEC. 343. COMPTROLLER GENERAL ANNUAL REVIEWS OF**
11 **F-35 SUSTAINMENT EFFORTS.**

12 (a) ANNUAL REVIEWS AND BRIEFINGS.—Not later
13 than March 1 of each year of 2022, 2023, 2024, and
14 2025, the Comptroller General of the United States
15 shall—

16 (1) conduct an annual review of the
17 sustainment efforts of the Department of Defense
18 with respect to the F-35 aircraft program (including
19 the air vehicle and propulsion elements of such pro-
20 gram); and

21 (2) provide to the Committee on Armed Serv-
22 ices of the House of Representatives a briefing on
23 such review, including any findings of the Comp-
24 troller General as a result of such review.

1 (b) ELEMENTS.—Each review under subsection
2 (a)(1) shall include an assessment of the following:

3 (1) The status of the sustainment strategy of
4 the Department for the F-35 Lightning II aircraft
5 program.

6 (2) The Department oversight and prime con-
7 tractor management of key sustainment functions
8 with respect to the F-35 aircraft program.

9 (3) The ability of the Department to reduce the
10 costs, or otherwise maintain the affordability, of the
11 sustainment of the F-35 fleet.

12 (4) Any other matters regarding the
13 sustainment or affordability of the F-35 aircraft
14 program that the Comptroller General determines to
15 be of critical importance to the long-term viability of
16 such program.

17 (c) REPORTS.—Following the provision of each brief-
18 ing under subsection (a)(2), at such time as is mutually
19 agreed upon by the Committee on Armed Services of the
20 House of Representatives and the Comptroller General,
21 the Comptroller General shall submit to such committee
22 a report on the matters covered by the briefing.

1 **SEC. 344. PILOT PROGRAM ON BIOBASED CORROSION CON-**
2 **TROL AND MITIGATION.**

3 (a) PILOT PROGRAM.—Not later than 120 days after
4 the date of the enactment of this Act, the Secretary of
5 Defense shall commence a one-year pilot program to test
6 and evaluate the use of covered biobased solutions as alter-
7 natives to current solutions for the control and mitigation
8 of corrosion.

9 (b) SELECTION.—In carrying out the pilot program
10 under subsection (a), the Secretary shall select for test
11 and evaluation under the pilot program at least one exist-
12 ing covered biobased solution.

13 (c) TEST AND EVALUATION.—Following the test and
14 evaluation of a covered biobased solution under the pilot
15 program, the Secretary shall determine, based on such test
16 and evaluation, whether the solution meets the following
17 requirements:

18 (1) The solution is capable of being produced
19 domestically.

20 (2) The solution is at least as effective at the
21 control and mitigation of corrosion as current alter-
22 native solutions.

23 (3) The solution reduces environmental expo-
24 sures.

25 (d) RECOMMENDATIONS.—Upon termination of the
26 pilot program under subsection (a), the Secretary shall de-

1 velop recommendations for the Department of Defense-
2 wide deployment of covered biobased solutions that the
3 Secretary has determined meet the requirements under
4 subsection (e).

5 (e) COVERED BIOBASED SOLUTION DEFINED.—In
6 this section, the term “covered biobased solution” means
7 a solution for the control and mitigation of corrosion that
8 is domestically produced, commercial, and biobased.

9 **SEC. 345. PILOT PROGRAM ON DIGITAL OPTIMIZATION OF**
10 **ORGANIC INDUSTRIAL BASE MAINTENANCE**
11 **AND REPAIR OPERATIONS.**

12 (a) IN GENERAL.—Beginning not later than 180
13 days after the date of the enactment of this Act, The Sec-
14 retary of the Defense shall initiate a pilot program under
15 which the Secretary shall provide for the digitization of
16 the facilities and operations of at least one covered depot.

17 (b) ELEMENTS OF PILOT PROGRAM.—In carrying
18 out the pilot program under this section, the Secretary
19 shall provide for each of the following at the covered depot
20 or depots at which the Secretary carries out the program:

21 (1) The delivery of a digital twin model of the
22 maintenance, repair, and remanufacturing infra-
23 structure and activities.

1 (2) The modeling and simulation of optimized
2 facility configuration, logistics systems, and proc-
3 esses.

4 (3) The analysis of material flow and resource
5 use to achieve key performance metrics for all levels
6 of maintenance and repair.

7 (4) An assessment of automated, advanced, and
8 additive manufacturing technologies that could im-
9 prove maintenance, repair, and remanufacturing op-
10 erations.

11 (5) The identification of investments necessary
12 to achieve the efficiencies identified by the digital
13 twin model required under paragraph (1).

14 (c) REPORT.—Not later than 60 days after the com-
15 pletion of the digital twin model and associated analysis,
16 the Secretary of Defense shall submit to the Committees
17 on Armed Services of the Senate and the House of Rep-
18 resentatives a report on the pilot program. Such report
19 shall include—

20 (1) a description of the efficiencies identified
21 under the pilot program;

22 (2) a description of the infrastructure, work-
23 force, and capital equipment investments necessary
24 to achieve such efficiencies;

1 (3) the plan of the Secretary to undertake such
2 investments; and

3 (4) the assessment of the Secretary of the po-
4 tential applicability of the findings of the pilot pro-
5 gram to other covered depots.

6 (d) COVERED DEPOT DEFINED.—In this section, the
7 term “covered depot” includes any depot covered under
8 section 2476(e) of title 10, United States Code, except for
9 the following:

10 (1) Portsmouth Naval Shipyard, Maine.

11 (2) Pearl Harbor Naval Shipyard, Hawaii.

12 (3) Puget Sound Naval Shipyard, Washington.

13 (4) Norfolk Naval Shipyard, Virginia.

14 **SEC. 346. PILOT PROGRAM ON IMPLEMENTATION OF MITI-**
15 **GATING ACTIONS TO ADDRESS**
16 **VULNERABILITIES TO CRITICAL DEFENSE FA-**
17 **CILITIES AND ASSOCIATED DEFENSE CRIT-**
18 **ICAL ELECTRIC INFRASTRUCTURE.**

19 (a) TWO-YEAR PILOT AUTHORIZED.—

20 (1) IN GENERAL.—The Secretary of Defense, in
21 coordination with the Secretary of Energy, the Sec-
22 retaries of each of the military departments, and the
23 Secretary of the department in which the Coast
24 Guard is operating, shall carry out a two-year pilot
25 program under which the Secretary shall implement

1 mitigating actions to address vulnerabilities assessed
2 under section 215A of the Federal Power Act (16
3 U.S.C. 824o-1) at critical defense facilities and their
4 associated defense critical electric infrastructure,
5 after consultation with, and with the consent of, the
6 owners of such facilities and infrastructure.

7 (2) USE OF GRANT AUTHORITY.—In carrying
8 out the pilot program, the Secretary of Defense may
9 make grants, enter into cooperative agreements, and
10 supplement funds available under Federal programs
11 administered by agencies other than the Department
12 of Defense to support mitigating actions under this
13 section.

14 (b) SELECTION OF INSTALLATIONS.—The Secretary
15 of Defense shall select at least three military installations
16 designated as critical defense facilities at which to carry
17 out the pilot program under this section. In selecting such
18 installations, the Secretary shall—

19 (1) ensure that at least one of the military in-
20 stallations selected is an installation of each of
21 Armed Forces;

22 (2) select installations that represent different
23 challenges or severities with respect to electric infra-
24 structure vulnerability;

1 (3) select at least one critical defense facility
2 within the service territory of a Power Marketing
3 Administration;

4 (4) provide particular consideration for critical
5 defense facilities and the associated defense critical
6 electric infrastructure that use rural cooperatives or
7 municipal entities for their electricity needs; and

8 (5) provide particular consideration for critical
9 defense facilities and defense critical electric infra-
10 structure that have completed an assessment of
11 vulnerabilities and resilience requirements in coordi-
12 nation with the Secretary of Defense and the Sec-
13 retary of Energy.

14 (c) COMPTROLLER GENERAL REVIEW.—

15 (1) IN GENERAL.—Not later than two years
16 after the date of the enactment of this Act, the
17 Comptroller General of the United States shall—

18 (A) conduct a review of the pilot program
19 under this section; and

20 (B) submit to the appropriate congres-
21 sional committees a report on the results of the
22 review.

23 (2) CONTENTS.—The review required under
24 this subsection shall include an assessment of the ef-
25 fectiveness of the mitigating actions taken under the

1 pilot program and the feasibility of expanding the
2 implementation of such mitigating actions at other
3 installations identified under section 215A(a)(4) of
4 the Federal Power Act (16 U.S.C. 824o–1(a)(4)).

5 (d) DEFINITIONS.—In this section:

6 (1) The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Armed Services and
9 the Committee on Energy and Commerce of the
10 House of Representatives; and

11 (B) the Committee on Armed Services and
12 the Committee on Energy and Natural Re-
13 sources of the Senate.

14 (2) The term “defense critical electric infra-
15 structure” has the meaning given such term under
16 section 215A(a)(4) of the Federal Power Act (16
17 U.S.C. 824o–1(a)(4)).

18 (3) The term “critical defense facility” means a
19 facility designated as a critical defense facility under
20 section 215A(c) of the Federal Power Act (16
21 U.S.C. 824o–1(c)).

22 (4) The term “mitigating action” means any
23 energy resiliency solution applied that is consistent
24 with an assessed strategy to reduce vulnerabilities at

1 critical defense facilities and associated defense crit-
2 ical electric infrastructure.

3 **SEC. 347. REPORT AND CERTIFICATION REQUIREMENTS**
4 **REGARDING SUSTAINMENT COSTS FOR F-35**
5 **AIRCRAFT PROGRAM.**

6 (a) REPORT.—Not later than March 1, 2022, the
7 Secretary of Defense shall submit to the congressional de-
8 fense committees a report on sustainment costs for the
9 F-35 aircraft program. Such report shall include the fol-
10 lowing:

11 (1) A detailed description and explanation of,
12 and the actual cost data related to, sustainment
13 costs for the F-35 aircraft program, including an
14 identification and assessment of cost elements attrib-
15 utable to the Federal Government or to contractors
16 (disaggregated by the entity responsible for each
17 portion of the cost element, including at the prime
18 contractor and major subcontractor levels) with re-
19 spect to such sustainment costs.

20 (2) An identification of the affordability targets
21 of the Air Force, Navy, and Marine Corps, respec-
22 tively, for sustainment costs for the F-35 aircraft
23 program (expressed in cost per tail per year format
24 and disaggregated by aircraft variant) for the fol-
25 lowing years:

1 (A) With respect to the affordability target
2 of the Air Force, for the year in which the Sec-
3 retary of the Air Force completes the procure-
4 ment of the program of record number of F-35
5 aircraft for the Air Force.

6 (B) With respect to the affordability target
7 of the Navy, for the year in which the Secretary
8 of the Navy completes the procurement of the
9 program of record number of F-35 aircraft for
10 the Navy; and

11 (C) With respect to the affordability target
12 of the Marine Corps, for the year in which the
13 Secretary of the Navy completes the procure-
14 ment of the program of record number of F-35
15 aircraft for the Marine Corps.

16 (3) A detailed plan for the reduction of
17 sustainment costs for the F-35 aircraft program to
18 achieve the affordability targets specified in para-
19 graph (2), including a plan for contractors to reduce
20 their portion of such sustainment costs.

21 (4) An identification of sustainment cost
22 metrics for the F-35 aircraft program for each of
23 fiscal years 2022 through 2026, expressed in cost
24 per tail per year format.

25 (b) ANNUAL CERTIFICATION.—

1 (1) CERTIFICATIONS.—Not later than Decem-
2 ber 31 of each of the years 2022 through 2026, the
3 Secretary of Defense shall submit to the congress-
4 sional defense committees a certification indicating
5 whether the F-35 aircraft program met the
6 sustainment cost metrics identified pursuant to sub-
7 section (a)(4) with respect to the fiscal year for
8 which the report is submitted.

9 (2) JUSTIFICATION.—If a certification under
10 paragraph (1) indicates that the sustainment cost
11 metrics for the respective year were not met, the
12 Secretary shall submit to the congressional defense
13 committees a detailed justification for the outcome.

14 (c) LIMITATION ON CERTAIN CONTRACTS.—The Sec-
15 retary of Defense may not enter into a performance-based
16 logistics contract for the sustainment of the F-35 aircraft
17 program until the Secretary submits to the congressional
18 defense committees a certification that—

19 (1) the F-35 aircraft program has met the
20 sustainment cost metrics identified pursuant to sub-
21 section (a)(4) for two consecutive fiscal years, as in-
22 dicated by two consecutive certifications submitted
23 under subsection (b)(1); and

24 (2) the Secretary has determined that such a
25 performance-based logistics contract will further re-

1 duce sustainment costs for the F-35 aircraft pro-
2 gram.

3 (d) COST PER TAIL PER YEAR DEFINED.—In this
4 section, the term “cost per tail per year” means the aver-
5 age annual operating and support cost (as estimated pur-
6 suant to a formula determined by the Secretary) per air-
7 craft.

8 **SEC. 348. REPORT ON MAINTENANCE AND REPAIR OF AIR-**
9 **CRAFT TURBINE ENGINE ROTORS.**

10 (a) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Secretary of Defense
12 shall submit to the congressional defense committees a re-
13 port on the inventory, maintenance, and repair of aircraft
14 turbine engine rotors by the Department of Defense. Such
15 report shall include information (disaggregated by aircraft
16 type and military department) as follows:

17 (1) A total inventory of all replacement aircraft
18 turbine engine rotors produced or procured by De-
19 partment.

20 (2) The total production and procurement costs
21 in fiscal year 2021 for such replacement rotors.

22 (3) The projected production and procurement
23 costs for such replacement rotors for fiscal years
24 2022, 2023, and 2024.

1 (4) Any funds invested by the Department to
2 modernize the maintenance and repair of aircraft
3 turbine engine rotors, and to lower associated costs.

4 (b) FORM.—The report under subsection (a) shall be
5 submitted in unclassified form, but may have a classified
6 annex.

7 **SEC. 349. BRIEFING ON AIR FORCE PLAN FOR CERTAIN**
8 **AEROSPACE GROUND EQUIPMENT MOD-**
9 **ERNIZATION.**

10 Not later than March 1, 2022, the Secretary of the
11 Air Force shall provide a briefing to the Committee on
12 Armed Services of the House of Representatives on cur-
13 rent and future plans for the replacement of aging aero-
14 space ground equipment, which shall include—

15 (1) an analysis of the average yearly cost to the
16 Air Force of maintaining legacy and out-of-produc-
17 tion A/M32A-60 and A/M32C-10 air start carts;

18 (2) a comparison of the cost of reconditioning
19 these existing legacy systems compared to the cost
20 of replacing them with next-generation air start
21 carts;

22 (3) an analysis of the long-term maintenance
23 and fuel savings that would be realized by the Air
24 Force if the legacy systems were upgraded to next-
25 generation air start carts;

1 (4) an analysis of the tactical and logistical
2 benefits of transitioning from multi-component aero-
3 space ground equipment systems to modern all-in-
4 one systems; and

5 (5) an overview of existing and future plans to
6 replace legacy air start carts with modern aerospace
7 ground equipment technology.

8 **Subtitle D—Risk Mitigation and** 9 **Safety Improvement**

10 **SEC. 351. TREATMENT OF NOTICE OF PRESUMED RISK** 11 **ISSUED BY MILITARY AVIATION AND INSTAL-** 12 **LATION ASSURANCE CLEARINGHOUSE FOR** 13 **REVIEW OF MISSION OBSTRUCTIONS.**

14 Subparagraph (B) of paragraph (2) of subsection (C)
15 of section 183a of title 10, United States Code, is amend-
16 ed to read as follows:

17 “(B) A notice of presumed risk issued pursuant to
18 subparagraph (A) is a preliminary assessment only and
19 is not a finding of unacceptable risk under subsection (e).
20 A discussion of mitigation actions could resolve the con-
21 cerns identified by the Department in the preliminary as-
22 sessment in favor of the applicant.”.

1 **SEC. 352. ESTABLISHMENT OF JOINT SAFETY COUNCIL.**

2 (a) IN GENERAL.—Chapter 7 of title 10, United
3 States Code, is amended by inserting after section 183a
4 the following new section:

5 **“§ 184. Joint Safety Council**

6 “(a) IN GENERAL.—There is established, within the
7 Office of the Deputy Secretary of Defense, a Joint Safety
8 Council (in this section referred to as the ‘Council’).

9 “(b) COMPOSITION; APPOINTMENT; COMPENSA-
10 TION.—(1) The Council shall include the following voting
11 members:

12 “(A) The Vice Chief of Staff of the Army.

13 “(B) The Vice Chief of Staff of the Air Force.

14 “(C) The Vice Chief of Naval Operations.

15 “(D) The Assistant Commandant of the Marine
16 Corps.

17 “(E) The Vice Chief of Space Operations.

18 “(F) A member of the Senior Executive Service
19 from the Office of the Under Secretary of Defense
20 for Personnel and Readiness, appointed by the Dep-
21 uty Secretary of Defense.

22 “(G) A member of the Senior Executive Service
23 from the Office of the Under Secretary for Research
24 and Engineering, appointed by the Deputy Secretary
25 of Defense.

1 “(H) A member of the Senior Executive Service
2 from the Office of the Under Secretary for Acquisi-
3 tion and Sustainment, appointed by the Deputy Sec-
4 retary of Defense.

5 “(2) The Council shall include the following non-vot-
6 ing members:

7 “(A) The Director of Safety for the Depart-
8 ment of the Army, who shall be appointed by the
9 Secretary of the Army.

10 “(B) The Director of Safety for the Depart-
11 ment of the Air Force, who shall be appointed by the
12 Secretary of the Air Force.

13 “(C) The Director of Safety for the Department
14 of the Navy, who shall be appointed by the Secretary
15 of the Navy.

16 “(D) The Deputy Assistant Secretary of De-
17 fense for Force Safety and Occupational Health, ap-
18 pointed by the Deputy Secretary of Defense as the
19 Executive Secretary.

20 “(3)(A) Members of the Council serve at the will of
21 the official who appointed them.

22 “(B) Vacancies on the Council shall be filled in the
23 same manner as the original appointment.

1 “(4) Members of the Council may not receive addi-
2 tional pay, allowances, or benefits by reason of their serv-
3 ice on the Council.

4 “(c) CHAIR AND VICE CHAIR.—(1) The Secretary of
5 Defense, or the Secretary’s designee, shall select one of
6 the members of the Council who is a member of the armed
7 forces to serve as Chair of the Council. Unless earlier re-
8 moved, the Chair shall serve for a term of two years. The
9 Chair shall serve as the Director of Operational and
10 Training Safety for the Department of Defense.

11 “(2) The Vice Chair shall be a person appointed
12 under subsection (b) who is a member of the Senior Exec-
13 utive Service. The Vice Chair shall report to the Chair
14 and shall serve as Chair in his or her absence.

15 “(d) STAFF.—(1) The Council may appoint staff in
16 accordance with section 3101 of title 5.

17 “(2) The Council may accept persons on detail from
18 within the Department of Defense and from other Federal
19 departments or agencies on a reimbursable or non-reim-
20 bursable basis.

21 “(e) CONTRACT AUTHORITY.—The Council may
22 enter into contracts for the acquisition of administrative
23 supplies, equipment, and personnel services for use by the
24 Council, to the extent that funds are available for such
25 purposes.

1 “(f) PROCUREMENT OF TEMPORARY AND INTERMIT-
2 TENT SERVICES.—The Chair may procure temporary and
3 intermittent services under section 3109(b) of title 5 at
4 rates for individuals which do not exceed the daily equiva-
5 lent of the annual rate of basic pay prescribed for level
6 V of the Executive Schedule under section 5316 of such
7 title.

8 “(g) DATA COLLECTION.—(1) Under regulations
9 issued by the Secretary of Defense, the Council shall have
10 access to Department of Defense databases necessary to
11 carry out its responsibilities, including causal factors to
12 be used for mishap reduction purposes.

13 “(2) Under regulations issued by the Secretary of De-
14 fense, the Council may enter into agreements with the
15 Federal Aviation Administration, the National Transpor-
16 tation Safety Board, and any other Federal agency re-
17 garding the sharing of safety data.

18 “(h) MEETINGS.—The Council shall meet quarterly
19 and at the call of the Chair.

20 “(i) DUTIES.—The Council shall carry out the fol-
21 lowing responsibilities:

22 “(1) Subject to subsection (j), issuing, pub-
23 lishing, and updating regulations related to joint
24 safety, including regulations on the reporting and in-
25 vestigation of mishaps.

1 “(2) Establishing uniform data collection stand-
2 ards, a centralized collection system for mishaps in
3 the Department of Defense, and a process for safe-
4 guarding sensitive data and information where ap-
5 propriate.

6 “(3) Reviewing the compliance of each military
7 department in adopting and using the uniform data
8 collection standards established under paragraph
9 (2).

10 “(4) Reviewing mishap data to assess, identify,
11 and prioritize risk mitigation efforts and safety im-
12 provement efforts across the Department.

13 “(5) Establishing standards and requirements
14 for the collection of equipment, simulator, training,
15 pilot, and operator data.

16 “(6) Establishing requirements for each mili-
17 tary department to collect and analyze any waivers
18 issued relating to pilot or operator qualifications or
19 standards.

20 “(7) Establishing, in consultation with the
21 heads of other Federal departments and agencies, as
22 appropriate, a requirement for each military depart-
23 ment to implement a safety management system.

1 “(8) Reviewing the safety management system
2 of each military department and the implementation
3 of such systems.

4 “(9) Reviewing and assessing civilian and com-
5 mercial safety programs and practices to determine
6 the suitability of such programs for implementation
7 in the Department.

8 “(10) Establishing a requirement for each mili-
9 tary department to implement a system to monitor
10 recommendations made in safety and legal investiga-
11 tion reports to ensure implementation of corrective
12 actions.

13 “(11) Reviewing and providing feedback on the
14 investments of the military departments in techno-
15 logical solutions for safety and mishap prevention.

16 “(j) REVIEW.—The decisions and recommendations
17 of the Council are subject to review and approval by the
18 Deputy Secretary of Defense.

19 “(k) REPORT.—The Chair of the Council shall sub-
20 mit to the congressional defense committees semi-annual
21 reports on the activities of the Council.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item relating to section 183a the following new
25 item:

“184. Joint Safety Council.”.

1 **SEC. 353. MISHAP INVESTIGATION REVIEW BOARD.**

2 (a) PROPOSAL FOR ESTABLISHMENT OF BOARD.—

3 The Deputy Secretary of Defense shall develop a proposal
4 for the establishment of a Mishap Investigation Review
5 Board (in this section referred to as the “Board”) to pro-
6 vide independent oversight and review of safety and legal
7 investigations into the facts and circumstances sur-
8 rounding operational and training mishaps. The proposal
9 shall include recommendations relating to—

10 (1) the size and composition of the Board;

11 (2) the process by which the Board would
12 screen mishap investigations to identify unsatisfac-
13 tory, biased, incomplete, or insufficient investiga-
14 tions requiring subsequent review by the Board, in-
15 cluding whether the Board should review investiga-
16 tions meeting a predetermined threshold (such as all
17 fatal mishaps or all Class A mishaps);

18 (3) the process by which the military depart-
19 ments, the Joint Safety Council established under
20 section 352, and other components of the Depart-
21 ment of Defense could refer pending or completed
22 safety and legal investigations to the Board for re-
23 view;

24 (4) the process by which the Board would
25 evaluate a particular safety or legal investigation for
26 accuracy, thoroughness, and objectivity;

1 (5) the requirements for and process by which
2 the convening component of an investigation re-
3 viewed by the Board should address the findings of
4 the Board’s review of that particular investigation;

5 (6) proposed procedures for safeguarding sen-
6 sitive information collected during the investigation
7 review process; and

8 (7) how and when the Board would be required
9 to report to the Deputy Secretary of Defense and
10 the Joint Safety Council established under section
11 352 on the activities of the Board, the outcomes of
12 individual investigation reviews performed by the
13 Board, and the assessment of the Board regarding
14 cross-cutting themes and trends identified by those
15 reviews.

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Deputy Secretary of De-
18 fense shall submit to the congressional defense committee
19 the proposal required by subsection (a) and a timeline for
20 establishing the Board.

21 **SEC. 354. IMPLEMENTATION OF COMPTROLLER GENERAL**
22 **RECOMMENDATIONS ON PREVENTING TAC-**
23 **TICAL VEHICLE TRAINING ACCIDENTS.**

24 (a) PLAN REQUIRED.—Not later than 180 days after
25 the date of the enactment of this Act, each Secretary con-

cerned shall submit to the congressional defense committees and to the Comptroller General of the United States a plan to address the recommendations in the report of the Government Accountability Office entitled “Army and Marine Corps Should Take Additional Actions to Mitigate and Prevent Training Accidents” (GAO–21–361). Each such plan shall include, with respect to each recommendation in such report that the Secretary concerned has implemented or intends to implement—

(1) a summary of actions that have been or will be taken to implement the recommendation; and

(2) a schedule, with specific milestones, for completing implementation of the recommendation.

(b) DEADLINE FOR IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall carry out activities to implement the plan of the Secretary developed under subsection (a).

(2) EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—

(A) DELAYED IMPLEMENTATION.—A Secretary concerned may initiate implementation of a recommendation in the report referred to in

1 subsection (a) after the date specified in para-
2 graph (1) if, on or before such date, the Sec-
3 retary provides to the congressional defense
4 committees a specific justification for the delay
5 in implementation of such recommendation.

6 (B) NONIMPLEMENTATION.—A Secretary
7 concerned may decide not to implement a rec-
8 ommendation in the report referred to in sub-
9 section (a) if, on or before the date specified in
10 paragraph (1), the Secretary provides to the
11 congressional defense committees—

12 (i) a specific justification for the deci-
13 sion not to implement the recommendation;

14 and

15 (ii) a summary of alternative actions
16 the Secretary plans to take to address the
17 conditions underlying the recommendation.

18 (c) SECRETARY CONCERNED.—In this section, the
19 term “Secretary concerned” means—

20 (1) the Secretary of the Army, with respect to
21 the Army; and

22 (2) the Secretary of the Navy, with respect to
23 the Navy.

1 **SEC. 355. PILOT PROGRAM FOR TACTICAL VEHICLE SAFETY**

2 **DATA COLLECTION.**

3 (a) **IN GENERAL.**—Not later than one year after the
4 date of the enactment of this Act, the Secretary of the
5 Army and the Secretary of the Navy shall jointly carry
6 out a pilot program to evaluate the feasibility of using
7 data recorders to monitor, assess, and improve the readi-
8 ness and safety of the operation of military tactical vehi-
9 cles.

10 (b) **PURPOSES.**—The purposes of the pilot program
11 are—

12 (1) to allow for the automated identification of
13 hazards and potential hazards on and off military
14 installations;

15 (2) to mitigate and increase awareness of haz-
16 ards and potential hazards on and off military in-
17 stallations;

18 (3) to identify near-miss accidents;

19 (4) to create a standardized record source for
20 accident investigations;

21 (5) to assess individual driver proficiency, risk,
22 and readiness;

23 (6) to increase consistency in the implementa-
24 tion of military installation and unit-level range safe-
25 ty programs across military installations and units;

1 (7) to evaluate the feasibility of incorporating
2 metrics generated from data recorders into the safe-
3 ty reporting systems and to the Defense Readiness
4 Reporting System as a measure of assessing safety
5 risks, mitigations, and readiness;

6 (8) to determine the costs and benefits of retro-
7 fitting data recorders on legacy platforms and in-
8 cluding data recorders as a requirement in acquisi-
9 tion of military tactical vehicles; and

10 (9) any other matters as determined by the
11 Secretary concerned.

12 (c) REQUIREMENTS.—In carrying out the pilot pro-
13 gram, the Secretaries shall—

14 (1) assess the feasibility of using commercial
15 technology, such as smartphones or technologies
16 used by insurance companies, as a data recorder;

17 (2) test and evaluate a minimum of two data
18 recorders that meet the pilot program requirements;

19 (3) select a data recorder capable of collecting
20 and exporting the telemetry data, event data, and
21 driver identification during operation and accidents;

22 (4) install and maintain a data recorder on a
23 sufficient number of each of the covered military
24 tactical vehicles under subsection (f) at selected in-
25 stallations for statistically significant results;

1 (5) establish and maintain a database that con-
2 tains telemetry data, driver data, and event data
3 captured by the data recorder;

4 (6) regularly generate for each installation
5 under the pilot program a dataset that is viewable
6 in widely available mapping software of hazards and
7 potential hazards based on telemetry data and event
8 data captured by the data recorders;

9 (7) generate actionable data sets and statistics
10 on individual, vehicle, and military installation;

11 (8) require commanders at the covered military
12 installations to incorporate the actionable data sets
13 and statistics into the installation range safety pro-
14 gram;

15 (9) require unit commanders at the covered
16 military installations to incorporate the actionable
17 data sets and statistics into unit driver safety pro-
18 gram;

19 (10) evaluate the feasibility of integrating data
20 sets and statistics to improve driver certification and
21 licensing based on data recorded and generated by
22 the data recorders;

23 (11) use open architecture to the maximum ex-
24 tent practicable; and

1 (12) any other activities determined by the Sec-
2 retary as necessary to meet the purposes under sub-
3 section (b).

4 (d) IMPLEMENTATION PLAN.—Not later than 180
5 days after the date of the enactment of this Act, the Secre-
6 taries shall develop a plan for implementing the pilot pro-
7 gram required under this section.

8 (e) LOCATIONS.—Each Secretary concerned shall
9 carry out the pilot program at not fewer than one military
10 installation in the United States that meets the following
11 conditions:

12 (1) Contains the necessary force structure,
13 equipment, and maneuver training ranges to collect
14 driver and military tactical vehicle data during train-
15 ing and routine operation.

16 (2) Represents at a minimum one of the five
17 training ranges identified in the study by the Comp-
18 troller General of the United States titled “Army
19 and Marine Corps Should Take Additional Actions
20 to Mitigate and Prevent Training Accidents” that
21 did not track unit location during the training
22 events.

23 (f) COVERED MILITARY TACTICAL VEHICLES.—The
24 pilot program shall cover the following military tactical ve-
25 hicles:

1 (1) Army Strykers.

2 (2) Marine Corps Light Armored Vehicles.

3 (3) Army Medium Tactical Vehicles.

4 (4) Marine Corps Medium Tactical Vehicle Re-
5 placements.

6 (g) METRICS.—The Secretaries shall develop metrics
7 to evaluate the pilot program’s effectiveness in monitoring,
8 assessing, and improving vehicle safety, driver readiness,
9 and mitigation of risk.

10 (h) REPORTS.—

11 (1) INITIAL.—Not later than 180 days after the
12 date of the enactment of this Act under this section,
13 the Secretaries shall jointly submit to the congress-
14 sional defense committees a report on the pilot pro-
15 gram, addressing the plan for implementing the re-
16 quirements in subsection (c), including the estab-
17 lished metrics under subsection (g).

18 (2) INTERIM.—Not later than three years after
19 the commencement of the pilot program, the Secre-
20 taries shall jointly submit to the congressional de-
21 fense committees a report on the status of the pilot
22 program, including the preliminary results in car-
23 rying out the pilot program, the metrics generated
24 during the pilot program, disaggregated by military

1 tactical vehicle, location, and service, and the imple-
2 mentation plan under subsection (d).

3 (3) FINAL.—Not later than 90 days after the
4 termination of the pilot program, the Secretaries
5 shall jointly submit to the congressional defense
6 committees a report on the results of the program.

7 The report shall—

8 (A) assess the pilot program’s effectiveness
9 in meeting the purposes under subsection (b);

10 (B) include the metrics generated during
11 the pilot program, disaggregated by military
12 tactical vehicle, location, and service;

13 (C) include the views of range personnel,
14 unit commanders, and members of the Armed
15 Forces involved in the pilot program on the
16 level of effectiveness of the technology selected;

17 (D) provide a cost estimate for equipping
18 legacy military tactical vehicles with data re-
19 corders;

20 (E) determine the instances in which data
21 recorders should be a requirement in the acqui-
22 sition of military tactical vehicles;

23 (F) recommend whether the pilot program
24 should be expanded or made into a program of
25 record; and

1 (G) recommend any statutory, regulatory,
2 or policy changes required to support the pur-
3 poses under subsection (b).

4 (i) TERMINATION.—The authority to carry out the
5 pilot program under subsection (a) shall terminate five
6 years after the date of the enactment of this Act.

7 (j) DEFINITIONS.—In this section:

8 (1) The term “accident” means a collision, roll-
9 over, or other mishap involving a motor vehicle.

10 (2) The term “data recorder” means tech-
11 nologies installed in a motor vehicle to record driver
12 identification, telemetry data, and event data related
13 to the operation of such motor vehicle.

14 (3) The term “driver identification” means data
15 enabling the unique identification of the driver oper-
16 ating the motor vehicle.

17 (4) The term “event data” includes data related
18 to—

19 (A) the start and conclusion of each vehicle
20 operation;

21 (B) a vehicle accident;

22 (C) a vehicle acceleration, velocity, or loca-
23 tion with an increased potential for an accident;

24 or

1 (D) a vehicle orientation with an increased
2 potential for an accident.

3 (5) The term “Secretary concerned” means—

4 (A) the Secretary of the Army with respect
5 to matters concerning the Army; and

6 (B) the Secretary of the Navy with respect
7 to matters concerning the Navy and Marine
8 Corps.

9 (6) The term “telemetry data” includes—

10 (A) time;

11 (B) vehicle distance traveled;

12 (C) vehicle acceleration and velocity;

13 (D) vehicle orientation, including roll,
14 pitch, and yaw; and

15 (E) vehicle location in a geographic coordi-
16 nate system, including elevation.

17 **SEC. 356. IMPLEMENTATION OF COMPTROLLER GENERAL**
18 **RECOMMENDATIONS RELATING TO MITIGA-**
19 **TION AND PREVENTION OF TRAINING ACCI-**
20 **DENTS.**

21 (a) REQUIREMENTS.—The Secretary of the Defense
22 shall take such steps as may be necessary to carry out
23 the following with respect to the Army, Navy, Marine
24 Corps, and Air Force:

1 (1) To develop more clearly defined roles for ve-
2 hicle commanders and establish mechanisms and
3 procedures for tactical vehicle risk management to
4 be used by first-line supervisors, including vehicle
5 commanders.

6 (2) To evaluate the number of personnel within
7 operational units who are responsible for tactical ve-
8 hicle safety and determine if these units are appro-
9 priately staffed, or if any adjustments are needed to
10 workloads or resource levels to implement oper-
11 ational unit ground-safety programs.

12 (3) To ensure that tactical vehicle driver train-
13 ing programs, including licensing, unit, and follow-
14 on training programs, have a well-defined process
15 with specific performance criteria and measurable
16 standards to identify driver skills and experience
17 under diverse conditions.

18 (4) To evaluate—

19 (A) the extent to which ranges and train-
20 ing areas are fulfilling responsibilities to iden-
21 tify and communicate hazards to units; and

22 (B) to the extent to which such responsibil-
23 ities are not being carried out, whether existing
24 solutions are adequate or if additional resources
25 should be applied to fulfill such responsibilities.

1 (b) CONSULTATION REQUIREMENT.—The Secretary
2 of the Army, the Secretary of the Navy, the Secretary of
3 the Air Force, and the Commandant of the Marine Corps
4 shall jointly establish a formal collaboration forum among
5 Army, Navy, Air Force, and Marine Corps range officials
6 through which such officials shall share methods for iden-
7 tifying and communicating hazards to units.

8 **Subtitle E—Reports**

9 **SEC. 361. INCLUSION OF INFORMATION REGARDING BOR-** 10 **ROWED MILITARY MANPOWER IN READINESS** 11 **REPORTS.**

12 (a) IN GENERAL.—Section 482(b) of title 10, United
13 States Code, is amended—

14 (1) by redesignating paragraph (10) as para-
15 graph (11); and

16 (2) by inserting after paragraph (9) the fol-
17 lowing new paragraph (10):

18 “(11) Information regarding—

19 “(A) the extent to which any member of
20 the armed forces is diverted, temporarily as-
21 signed, or detailed outside the member’s as-
22 signed unit or away from training in order to
23 perform any function that had been performed
24 by civilian employees of the Federal Govern-

1 ment or by contractors prior to such diversion,
2 temporary assignment, or detail; and

3 “(B) whether such function is within the
4 scope of the skills required for the military oc-
5 cupational specialty of such member of the
6 armed forces.”.

7 **SEC. 362. ANNUAL REPORT ON MISSING, LOST, AND STOLEN**
8 **WEAPONS, LARGE AMOUNTS OF AMMUNI-**
9 **TION, DESTRUCTIVE DEVICES, AND EXPLO-**
10 **SIVE MATERIAL.**

11 (a) IN GENERAL.—Section 2722 of title 10, United
12 States Code, is amended—

13 (1) in the section heading, by striking “**report**
14 **to Secretary of the Treasury**” and inserting
15 “**reporting requirements**”;

16 (2) in subsection (a), by inserting “and the Di-
17 rector of the Bureau of Alcohol, Tobacco, and Fire-
18 arms” after “Secretary of the Treasury”;

19 (3) by redesignating subsection (c) as sub-
20 section (d); and

21 (4) by inserting after subsection (b) the fol-
22 lowing new subsection (c):

23 “(c) ANNUAL REPORT.—Not later than December 31
24 each year, the Secretary shall submit to the congressional

1 defense committees a report that includes, for the pre-
2 ceding year—

3 “(1) all instances of missing, lost, or stolen
4 weapons, large amounts of ammunition, destructive
5 devices, or explosive material from the stocks of the
6 Department of Defense;

7 “(2) for each item identified under paragraph
8 (1), the type, quantity, and serial number, broken
9 down by armed force and component; and

10 “(3) such other information the Secretary de-
11 termines appropriate.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 161 of such title is amended
14 by striking the item relating to section 2722 and inserting
15 the following new item:

“2722. Theft or loss of ammunition, destructive devices, and explosives: report-
ing requirements.”.

16 **SEC. 363. ANNUAL REPORT ON MATERIAL READINESS OF**
17 **NAVY SHIPS.**

18 Section 8674(d) of title 10, United States Code is
19 amended—

20 (1) in paragraph (1)—

21 (A) by striking “submit to the” and insert-
22 ing “provide to the”;

1 (B) by inserting “a briefing and submit to
2 such committees” after “congressional defense
3 committees”; and

4 (C) by striking “setting forth” and insert-
5 ing “regarding”;

6 (2) in paragraph (2)—

7 (A) by striking “in an unclassified form
8 that is releasable to the public without further
9 redaction.” and inserting “in—”; and

10 (B) by adding at the end the following new
11 subparagraphs:

12 “(A) a classified form that shall be available
13 only to the congressional defense committees; and

14 “(B) an unclassified form that is releasable to
15 the public without further redaction”; and

16 (3) by striking paragraph (3).

17 **SEC. 364. STRATEGY AND ANNUAL REPORT ON CRITICAL**

18 **LANGUAGE PROFICIENCY OF SPECIAL OPER-**

19 **ATIONS FORCES.**

20 (a) FIVE-YEAR STRATEGY.—

21 (1) STRATEGY REQUIRED.—Not later than 180
22 days after the date of the enactment of this Act, the
23 Assistant Secretary of Defense for Special Oper-
24 ations and Low-Intensity Conflict shall submit to the
25 congressional defense committees a five-year strat-

1 egy to support the efforts of the Secretaries con-
2 cerned to identify individuals who have proficiency in
3 a critical language and to recruit and retain such in-
4 dividuals in the special operations forces of Armed
5 Forces.

6 (2) ELEMENTS.—The strategy under paragraph
7 (1) shall include the following:

8 (A) A baseline of foreign language pro-
9 ficiency requirements to be implemented within
10 the special operations forces, disaggregated by
11 Armed Force and by critical language.

12 (B) Annual recruitment targets for the
13 number of candidates with demonstrated pro-
14 ficiency in a critical language to be selected for
15 participation in the initial assessment and qual-
16 ification programs of the special operations
17 forces.

18 (C) A description of current and planned
19 efforts of the Secretaries concerned and the As-
20 sistant Secretary to meet such annual recruit-
21 ment targets.

22 (D) A description of any training programs
23 used to enhance or maintain foreign language
24 proficiency within the special operations forces,
25 including any non-governmental programs used.

1 (E) An annual plan (for each of the five
2 years covered by the strategy) to enhance and
3 maintain foreign language proficiency within
4 the special operations forces of each Armed
5 Force.

6 (F) An annual plan (for each of the five
7 years covered by the strategy) to retain mem-
8 bers of the special operation forces of each
9 Armed Force who have proficiency in a foreign
10 language.

11 (G) A description of current and projected
12 capabilities and activities that the Assistant
13 Secretary determines are necessary to maintain
14 proficiency in critical languages within the spe-
15 cial operations forces.

16 (H) A plan to implement a training pro-
17 gram for members of the special operations
18 forces who serve in positions that the Assistant
19 Secretary determines require proficiency in a
20 critical language to support the Department of
21 Defense in strategic competition.

22 (b) ANNUAL REPORT.—

23 (1) REPORTS REQUIRED.—Not later than De-
24 cember 31, 2022, and annually thereafter until De-
25 cember 31, 2027, the Assistant Secretary of Defense

1 for Special Operations and Low-Intensity Conflict
2 shall submit to the congressional defense committees
3 a report on the recruitment, training, and retention
4 of members of the special operations forces who have
5 proficiency in a critical language.

6 (2) ELEMENTS.—Each report under paragraph
7 (1) shall include, with respect to the year for which
8 the report is submitted, the following information:

9 (A) The number of candidates with dem-
10 onstrated proficiency in a critical language who
11 have been selected for participation in the ini-
12 tial assessment and qualification programs of
13 the special operations forces, disaggregated by
14 Armed Force of which the special operations
15 force is a component.

16 (B) A description of any variance between
17 the number specified in subparagraph (A) and
18 the recruitment target specified in the strategy
19 under subsection (a)(2)(B) for the cor-
20 responding year, including a justification for
21 any such variance.

22 (C) As compared to the total number of
23 members of the special operations forces—

24 (i) the percentage of such members
25 who have maintained proficiency in a crit-

1 ical language, disaggregated by Armed
2 Force;

3 (ii) the percentage of such members
4 who are enrolled in a critical language
5 training program, disaggregated by Armed
6 Force and by critical language; and

7 (iii) the average proficiency rating re-
8 ceived by such members with respect to
9 each critical language, disaggregated by
10 Armed Force.

11 (D) As compared to the total number of
12 members of the special operations force of each
13 Armed Force who are assigned to a unit with
14 the primary mission of advising foreign mili-
15 taries—

16 (i) the percentage of such members
17 who maintain proficiency in a foreign lan-
18 guage relevant to such mission; and

19 (ii) the percentage of such members
20 who are enrolled in a foreign language
21 training program relevant to such mission.

22 (E) As compared to the required baseline
23 specified in the strategy under subsection
24 (a)(2)(A), the percentage of members of the
25 special operations force who have proficiency in

1 a critical language, disaggregated by Armed
2 Force and by critical language.

3 (F) A description of any gaps in foreign
4 language training identified by the Assistant
5 Secretary with respect to the special operations
6 forces.

7 (c) DEFINITIONS.—In this section:

8 (1) The term “critical language” means a lan-
9 guage identified by the Director of the National Se-
10 curity Education Program as critical to national se-
11 curity.

12 (2) The term “proficiency” means proficiency
13 in a language, as assessed by the Defense Language
14 Proficiency Test.

15 (3) The term “Secretary concerned” has the
16 meaning given such term in section 101 of title 10,
17 United States Code.

18 (4) The term “special operations forces” means
19 forces described under section 167(j) of title 10,
20 United States Code.

21 **SEC. 365. REPORT AND BRIEFING ON APPROACH FOR CER-**
22 **TAIN PROPERTIES AFFECTED BY NOISE**
23 **FROM MILITARY FLIGHT OPERATIONS.**

24 (a) BRIEFING.—Not later than 180 days after the
25 date of enactment of this Act, the Secretary of Defense

1 shall provide to the congressional defense committees a
2 briefing on the use and applicability of the Air Installa-
3 tions Compatible Use Zones program to support noise
4 mitigation and insulation efforts for fixed wing aircraft,
5 including any such efforts funded under grants from the
6 Office of Local Defense Community Cooperation.

7 (b) MATTERS.—The briefing under subsection (a)
8 shall include a discussion of the following:

9 (1) Changes to current practices regarding Air
10 Installations Compatible Use Zones that are nec-
11 essary to support noise mitigation and insulation ef-
12 forts relating to existing covered facilities.

13 (2) The number of fixed wing aircraft facilities
14 covered by existing Air Installations Compatible Use
15 Zones studies.

16 (3) The proportion of existing Air Installations
17 Compatible Use Zones studies that accurately reflect
18 current and reasonably foreseeable fixed wing avia-
19 tion activity.

20 (4) Expected timelines for each military depart-
21 ment to develop and update all Air Installations
22 Compatible Use Zones studies to reflect current and
23 reasonably foreseeable fixed wing activity.

24 (5) An approximate number of covered facilities
25 anticipated to be within the 65 dB day–night aver-

1 age sound level for installations with existing Air In-
2 stallations Compatible Use Zones studies, including
3 such facilities specifically located in crash zones or
4 accident potential zones.

5 (6) An assessment of the viability of making eli-
6 gibility to receive funding for noise mitigation and
7 insulation efforts contingent on the completion of
8 certain measures to ensure compatibility of civilian
9 land use activity with Air Installations Compatible
10 Use Zones conclusions.

11 (7) Any barriers to the timely review and gen-
12 eration of Air Installations Compatible Use Zones
13 studies, including with respect to staffing and gaps
14 in authorities.

15 (8) The estimated cost to develop and update
16 required Air Installations Compatible Use Zones
17 practices and studies.

18 (9) Future opportunities to consult with local
19 communities affected by noise from military flight
20 operations.

21 (c) REPORT.—Not later than one year after the date
22 of enactment of this Act, the Secretary shall submit to
23 the congressional defense committees a report on the final
24 outcome of the update process with respect to Air Installa-
25 tions Compatible Use Zones program. Such report shall

1 include further details and analysis with respect to each
2 matter specified in subsection (b).

3 (d) DEFINITIONS.—In this section:

4 (1) The term “Air Installations Compatible Use
5 Zones program” has the meaning given such term in
6 Department of Defense Instruction 4165.57.

7 (2) The term “covered facility” means any—

8 (A) private residence;

9 (B) hospital;

10 (C) daycare facility;

11 (D) school; or

12 (E) facility the primary purpose of which
13 is to serve senior citizens.

14 **SEC. 366. STUDY ON USE OF MILITARY RESOURCES TO**
15 **TRANSPORT CERTAIN INDIVIDUALS AND EF-**
16 **FECT ON MILITARY READINESS.**

17 (a) STUDY.—The Secretary of Defense shall—

18 (1) conduct a study examining the effect on
19 military readiness of using Department of Defense
20 resources to transport covered individuals; and

21 (2) submit to Congress a report containing the
22 findings of such study.

23 (b) COVERED INDIVIDUAL DEFINED.—In this sec-
24 tion, the term “covered individual” means an individual

1 who has crossed the southern border of the United States
2 without authorization.

3 **SEC. 367. REPORT AND BRIEFING ON PROJECT PELE MO-**
4 **BILE NUCLEAR MICROREACTORS.**

5 (a) BRIEFING.—Not later than 180 days after the
6 date of enactment of this Act, the Director of the Strategic
7 Capabilities Office of the Department of Defense, in co-
8 ordination with the Secretary of Energy, shall provide to
9 the congressional defense committees a briefing on the de-
10 velopment, and current and predicted progress, of the
11 “Project Pele” effort to design, build, and demonstrate a
12 prototype mobile nuclear microreactor.

13 (b) MATTERS.—The briefing under section (a) shall
14 include a discussion of the following:

15 (1) Changes to previous deployment rationales
16 or strategies.

17 (2) Proposed deployment locations for mobile
18 nuclear microreactors, both domestically and abroad.

19 (3) The safety and regulatory requirements of
20 the proposed mobile nuclear microreactors, both do-
21 mestically and abroad.

22 (4) The need for mobile nuclear microreactors
23 to meet the energy needs of expeditionary and defen-
24 sive requirements of the Department of Defense, in-
25 cluding with respect to electric combat vehicles, and

1 the ability of mobile nuclear microreactors to ade-
2 quately meet such needs.

3 (5) The safety concerns and precautions relat-
4 ing to the transfer of mobile nuclear microreactors.

5 (6) The safety concerns and precautions relat-
6 ing to the demonstration of the deployment of mo-
7 bile nuclear microreactors, including by air, before
8 and after the irradiation of nuclear fuel.

9 (7) Opportunities to consult with local commu-
10 nities potentially affected by the deployment, or the
11 demonstration of the deployment, of mobile nuclear
12 microreactors.

13 (8) Security concerns related to potential adver-
14 sarial attacks on deployed mobile nuclear microreac-
15 tors or adversarial seizing of mobile nuclear micro-
16 reactors, and the radioactive fuel therein, for use in
17 radiological weapons.

18 (c) REPORT.—Not later than one year after the date
19 of enactment of this Act, the Director shall submit to the
20 congressional defense committees a report on the current
21 progress of the “Project Pele” effort described in sub-
22 section (a) that addresses each of the matters under sub-
23 section (b).

1 **Subtitle F—Other Matters**

2 **SEC. 371. BUDGET JUSTIFICATION FOR OPERATION AND**
3 **MAINTENANCE.**

4 (a) SUBACTIVITY GROUP BY FUTURE YEARS.—Sec-
5 tion 233 of title 10, United States Code, is amended—

6 (1) by redesignating subsection (c) as sub-
7 section (e); and

8 (2) by inserting after subsection (b) the fol-
9 lowing new subsection (c):

10 “(c) SUBACTIVITY GROUPS.—The Secretary of De-
11 fense, in consultation with the Secretary of each of the
12 military departments, shall include in the materials sub-
13 mitted to Congress by the Secretary of Defense in support
14 of the President’s budget, in an unclassified format, the
15 total amount projected for each individual subactivity
16 group, as detailed in the future years defense program
17 pursuant to section 221 of this title.”.

18 (b) BUDGET SUBMISSION DISPLAY.—Section 233 of
19 title 10, United States Code, is further amended by insert-
20 ing after subsection (c), as added by subsection (a), the
21 following new subsection:

22 “(d) BUDGET DISPLAY.—The Secretary of Defense,
23 in consultation with the Secretary of each of the military
24 departments, shall include in the O&M justification docu-
25 ments a budget display to provide for discussion and eval-

1 uation of the resources required to meet material readi-
2 ness objectives, as identified in the metrics required by
3 section 118 of this title, together with any associated risks
4 to the supply chain. For each major weapon system, by
5 designated mission design series, variant, or class, the
6 budget display required under this subsection for the
7 budget year shall include each of the following:

8 “(1) The material availability objective estab-
9 lished in accordance with the requirements of section
10 118 of this title.

11 “(2) The funds obligated by subactivity group
12 within the operation and maintenance accounts for
13 the second fiscal year preceding the budget year for
14 the purpose of achieving the material readiness ob-
15 jectives identified in accordance with section 118 of
16 this title.

17 “(3) The funds estimated to be obligated by
18 subactivity group within the operation and mainte-
19 nance accounts for the fiscal year preceding the
20 budget year for the purpose of achieving the mate-
21 rial readiness objectives identified in accordance with
22 section 118 of this title.

23 “(4) The funds budgeted and programmed
24 across the future years defense program within the
25 operation and maintenance accounts by subactivity

1 group for the purpose of achieving the material
2 readiness objectives identified in accordance with
3 section 118 of this title.

4 “(5) A narrative discussing the performance of
5 the Department against established material readi-
6 ness objectives for each major weapon system by
7 mission design series, variant, or class.”.

8 (c) IMPLEMENTATION DEADLINE.—The Secretary of
9 Defense shall ensure that the budget display requirements
10 required under the amendments made by this section are
11 included in the budget request for fiscal year 2023 and
12 all fiscal years thereafter.

13 (d) CONFORMING REPEAL.—Section 357 of the John
14 S. McCain National Defense Authorization Act for Fiscal
15 Year 2019 (Public Law 115–232; 10 U.S.C. 221 note) is
16 repealed.

17 **SEC. 372. IMPROVEMENTS AND CLARIFICATIONS RELATED**
18 **TO MILITARY WORKING DOGS.**

19 (a) PROHIBITION ON CHARGE FOR TRANSFER OF
20 MILITARY ANIMALS.—Subsection (d) of section 2583 of
21 title 10, United States Code, is amended by striking
22 “may” and inserting “shall”.

23 (b) INCLUSION OF MILITARY WORKING DOGS IN
24 CERTAIN RESEARCH AND PLANS.—

1 (1) RESEARCH UNDER JOINT TRAUMA EDU-
2 CATION AND TRAINING DIRECTORATE.—Subsection
3 (b) of section 708 of the National Defense Author-
4 ization Act for Fiscal Year 2017 (Public Law 114–
5 328; 10 U.S.C. 1071 note) is amended—

6 (A) in paragraph (7), by striking “of mem-
7 bers of the Armed Forces” and inserting “with
8 respect to both members of the Armed Forces
9 and military working dogs”; and

10 (B) by striking paragraph (9) and insert-
11 ing the following new paragraph:

12 “(9) To inform and advise the conduct of re-
13 search on the leading causes of morbidity and mor-
14 tality of members of the Armed Forces and military
15 working dogs in combat.”.

16 (2) VETERINARIANS IN PERSONNEL MANAGE-
17 MENT PLAN.—Subsection (d)(1) of such section is
18 amended—

19 (A) by redesignating subparagraph (F) as
20 subparagraph (G); and

21 (B) by inserting after subparagraph (E)
22 the following new subparagraph:

23 “(F) Veterinary services.”.

1 **SEC. 373. MANAGEMENT OF FATIGUE AMONG CREW OF**
2 **NAVAL SURFACE SHIPS AND RELATED IM-**
3 **PROVEMENTS.**

4 (a) **REQUIREMENT.**—The Secretary of the Navy shall
5 implement each recommendation for executive action set
6 forth in the report of the Government Accountability Of-
7 fice titled “Navy Readiness: Additional Efforts Are Need-
8 ed to Manage Fatigue, Reduce Crewing Shortfalls, and
9 Implement Training” (GAO–21–366).

10 (b) **REPORT.**—Not later than one year after the date
11 of the enactment of this Act, the Secretary of the Navy
12 shall submit to the congressional defense committees and
13 the Comptroller General a report on the status of actions
14 taken by the Secretary to monitor crew fatigue and ensure
15 equitable fatigue management throughout the naval sur-
16 face ship fleet in accordance with subparagraph (a). Such
17 report shall include the following:

18 (1) An assessment of the extent of crew fatigue
19 throughout the naval surface ship fleet.

20 (2) A description of the metrics used to assess
21 the extent of fatigue pursuant to paragraph (1).

22 (3) An identification of results-oriented goals
23 for effective fatigue management.

24 (4) An identification of timeframes for achiev-
25 ing the goals identified pursuant to paragraph (3).

1 (c) COMPTROLLER GENERAL ASSESSMENT.—Not
2 later than 90 days after the date on which the Comptroller
3 General receives the report under subsection (b), the
4 Comptroller General shall brief the congressional defense
5 committees on the extent to which the actions and goals
6 described in the report meet the requirements of sub-
7 section (a).

8 **SEC. 374. AUTHORITY TO ESTABLISH CENTER OF EXCEL-**
9 **LENCE FOR RADAR SYSTEMS AND COM-**
10 **PLEMENTARY WORKFORCE AND EDUCATION**
11 **PROGRAMS.**

12 (a) AUTHORITY.—The Secretary of Defense may es-
13 tablish a Center of Excellence for radar systems and com-
14 plementary workforce and education programs.

15 (b) FUNCTIONS.—If the Secretary establishes the
16 Center authorized under subsection (a), such Center shall
17 be designed to further the expertise of the Department
18 of Defense in the repair, sustainment, and support of
19 radar systems, as identified by the Joint Radar Industrial
20 Base Working Group and the Radar Supplier Resiliency
21 Plan, by conducting the following activities, as appro-
22 priate:

23 (1) Facilitating collaboration among academia,
24 the Department, and the commercial radar industry,

1 including radar system repair and sustainment fa-
2 cilities.

3 (2) Establishing goals for research in areas of
4 study relevant to advancing technology and facili-
5 tating better understanding of the necessity of radar
6 systems in the growing development and reliance on
7 automated and complex defense systems, including
8 continuing education and training.

9 (3) Establishing at any institution of higher
10 education with which the Secretary enters into an
11 agreement under subsection (c) such activities as are
12 necessary to develop and meet the requirements of
13 the Department.

14 (4) Increasing communications with radar sys-
15 tems subject-matter experts in industry to learn and
16 support state-of-the-art operational practices, espe-
17 cially studied future needs of the Department re-
18 lated to autonomous systems.

19 (c) ELIGIBLE PARTICIPANTS.—If the Secretary es-
20 tablishes the Center authorized under subsection (a)—

21 (1) the Secretary may enter into an agreement
22 with one or more institutions of higher education to
23 provide for joint operation of the Center; and

1 (2) the Center may partner with nonprofit insti-
2 tutions and private industry with expertise in radar
3 systems to further the mission of the Center.

4 (d) LOCATION.—If the Secretary establishes the Cen-
5 ter authorized under subsection (a), in determining the lo-
6 cation of the Center, the Secretary shall take into account
7 the proximity to existing radar system facilities capable
8 of efficiently facilitating partnership between the Depart-
9 ment, industry, and an academic institution.

10 (e) COORDINATION.—Nothing in this section shall
11 preclude the coordination or collaboration between any
12 Center established under this section and any other estab-
13 lished center of excellence.

14 (f) INSTITUTION OF HIGHER EDUCATION DE-
15 FINED.—The term “institution of higher education” has
16 the meaning given that term in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001).

18 **SEC. 375. PILOT PROGRAM ON MILITARY WORKING DOG**
19 **AND EXPLOSIVES DETECTION CANINE**
20 **HEALTH AND EXCELLENCE.**

21 (a) PILOT PROGRAM.—Not later than September 31,
22 2022, the Secretary of Defense shall carry out a pilot pro-
23 gram to ensure the health and excellence of explosives de-
24 tection military working dogs. Under such pilot program,
25 the Secretary shall consult with domestic breeders of

1 working dog lines, covered institutions of higher education,
2 and covered national domestic canine associations, to—

3 (1) facilitate the presentation of domestically-
4 bred explosives detection military working dogs for
5 assessment for procurement by the Department of
6 Defense, at a rate of at least 100 canines presented
7 per fiscal year;

8 (2) facilitate the delivery and communication to
9 domestic breeders, covered institutions of higher
10 education, and covered national domestic canine as-
11 sociations, of information regarding—

12 (A) any specific needs or requirements for
13 the future acquisition by the Department of ex-
14 plosives detection military working dogs; and

15 (B) any factors identified as relevant to
16 the success or failure of explosives detection
17 military working dogs presented for assessment
18 pursuant to this section;

19 (3) collect information on the biological and
20 health factors of explosives detection military work-
21 ing dogs procured by the Department, and make
22 such information available for academic research
23 and to domestic breeders; and

24 (4) collect and make available genetic and
25 phenotypic information, including canine rearing and

1 training data for study by domestic breeders and
2 covered institutions of higher education, for the fur-
3 ther development of working canines that are bred,
4 raised, and trained domestically.

5 (b) CONSULTATIONS.—In carrying out the pilot pro-
6 gram under subsection (a), the Secretary may consult with
7 the working group established pursuant to section 1927
8 of the FAA Reauthorization Act of 2018 (Public Law
9 115–254; 6 U.S.C. 1116 note).

10 (c) TERMINATION.—The authority to carry out the
11 pilot program under subsection (a) shall terminate on Oc-
12 tober 1, 2024.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “covered institution of higher
15 education” means an institution of higher education,
16 as such term is defined in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001), with dem-
18 onstrated expertise in veterinary medicine for work-
19 ing canines.

20 (2) The term “covered national domestic canine
21 association” means a national domestic canine asso-
22 ciation with demonstrated expertise in the breeding
23 and pedigree of working canine lines.

24 (3) The term “explosives detection military
25 working dog” means a canine that, in connection

1 with the work duties of the canine performed for the
2 Department of Defense, is certified and trained to
3 detect odors indicating the presence of explosives in
4 a given object or area, in addition to the perform-
5 ance of such other duties for the Department as
6 may be assigned.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated \$10,000,000 to carry out
9 this section.

10 **SEC. 376. DEPARTMENT OF DEFENSE RESPONSE TO MILI-**
11 **TARY LAZING INCIDENTS.**

12 (a) INVESTIGATION INTO LAZING OF MILITARY AIR-
13 CRAFT.—

14 (1) INVESTIGATION REQUIRED.—The Secretary
15 of Defense shall conduct a formal investigation into
16 incidents of military aircraft being lazed by the gen-
17 eral population in Hawaii. The Secretary shall carry
18 out such investigation in coordination and collabora-
19 tion with appropriate non-Department of Defense
20 entities.

21 (2) REPORT TO CONGRESS.—Not later than
22 March 31, 2022, the Secretary shall submit to the
23 congressional defense committees a report on the
24 findings of the investigation conducted pursuant to
25 paragraph (1).

1 (b) INFORMATION SHARING.— The Secretary shall
2 seek to increase information sharing between the Depart-
3 ment of Defense and the States with respect to incidents
4 of lazing of military aircraft, including by entering into
5 memoranda of understanding with State law enforcement
6 agencies on information sharing in connection with such
7 incidents to provide for procedures for closer cooperation
8 with local law enforcement in responding to such incidents
9 as soon as they are reported.

10 (c) DATA COLLECTION AND TRACKING.—The Sec-
11 retary shall collect such data as may be necessary to track
12 the correlation between noise complaints and incidents of
13 military aircraft lazing.

14 (d) OPERATING PROCEDURES.—The Secretary shall
15 give consideration to adapting local operating procedures
16 in areas with high incidence of military aircraft lazing inci-
17 dents to reduce potential injury to aircrew.

18 (e) EYE PROTECTION.—The Secretary shall examine
19 the availability of commercial off-the-shelf laser eye pro-
20 tection equipment that protects against the most com-
21 monly available green light lasers that are available to the
22 public. If the Secretary determines that no such laser eye
23 protection equipment is available, the Secretary shall con-
24 duct research and develop such equipment.

1 **SEC. 377. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PRO-**
2 **GRAM.**

3 Section 2284(b) of title 10, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A), by striking
7 “and” after the semicolon;

8 (B) in subparagraph (B), by striking “the
9 Department of Defense” and all that follows
10 and inserting “the Program;”;

11 (C) by adding at the end the following new
12 subparagraphs:

13 “(C) direct the executive agent to des-
14 ignate a joint program executive officer for the
15 Program; and

16 “(D) assign the Director of the Defense
17 Threat Reduction Agency to manage the De-
18 fense-wide program element funding for the
19 Program.”.

20 (2) by striking paragraph (4);

21 (3) by redesignating paragraph (5) as para-
22 graph (4);

23 (4) in paragraph (4), as so redesignated, by
24 striking the period at the end and inserting a semi-
25 colon; and

1 (5) by adding at the end the following new
2 paragraphs:

3 “(5) the Secretary of the Navy shall designate
4 a Navy explosive ordnance disposal-qualified admiral
5 officer to serve as the co-chair of the Program; and

6 “(6) the Assistant Secretary of Defense for
7 Special Operations and Low Intensity Conflict shall
8 designate the Deputy Assistant Secretary of Defense
9 for Special Operations and Combating Terrorism as
10 the co-chair of the Program.”.

11 **SEC. 378. PILOT PROGRAM ON USE OF WORKING DOGS TO**
12 **DETECT EARLY STAGES OF DISEASES.**

13 (a) PILOT PROGRAM.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary of
15 Defense shall commence a pilot program to determine the
16 effectiveness of using scent detection working dogs to de-
17 tect the early stages of diseases (including the coronavirus
18 disease 2019 (COVID–19)) and upon detection, to alert
19 the handler of the dog. In carrying out such program, the
20 Secretary shall consider—

21 (1) potential uses for such dogs in screening in-
22 dividuals seeking to access facilities under the juris-
23 diction of the Department of Defense or seeking to
24 access locations frequently used by the public and
25 relevant to public safety; and

1 (2) any other potential uses for such dogs relat-
2 ing to the detection of early stages of diseases, in-
3 cluding uses relating to the management and provi-
4 sion of personal protective equipment and medical
5 testing kits to Department of Defense personnel.

6 (b) REGULATIONS.—The Secretary shall prescribe
7 regulations concerning the scope and limitations of the
8 pilot program under subsection (a). Such regulations shall
9 include requirements to ensure that the pilot program is
10 scientifically rigorous.

11 (c) DURATION.—The Secretary shall carry out the
12 pilot program under subsection (a) for a period of not
13 more than four years.

14 (d) REPORT.—Not later than 180 days after the date
15 on which the pilot program under subsection (a) termi-
16 nates, the Secretary shall submit to the Committees on
17 Armed Services of the House of Representatives and the
18 Senate a report on the outcomes of such pilot program.

19 **SEC. 379. STUDY ON DISEASE PREVENTION FOR MILITARY**
20 **WORKING DOGS.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the head of the Army Veterinary Services
23 shall submit to Congress a report containing the findings
24 of an updated study on the potential introduction of for-

1 eign animal diseases and current prevention protocol and
2 strategies to protect the health of military working dogs.

3 **TITLE IV—MILITARY**
4 **PERSONNEL AUTHORIZATIONS**
5 **Subtitle A—Active Forces**

6 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

7 The Armed Forces are authorized strengths for active
8 duty personnel as of September 30, 2022, as follows:

- 9 (1) The Army, 485,000.
10 (2) The Navy, 346,200.
11 (3) The Marine Corps, 178,500.
12 (4) The Air Force, 328,300.
13 (5) The Space Force, 8,400.

14 **SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END**
15 **STRENGTH MINIMUM LEVELS.**

16 Section 691(b) of title 10, United States Code, is
17 amended by striking paragraphs (1) through (5) and in-
18 serting the following new paragraphs:

- 19 “(1) For the Army, 485,000.
20 “(2) For the Navy, 346,200.
21 “(3) For the Marine Corps, 178,500.
22 “(4) For the Air Force, 328,300.
23 “(5) For the Space Force, 8,400.”.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2022, as follows:

6 (1) The Army National Guard of the United
7 States, 336,000.

8 (2) The Army Reserve, 189,500.

9 (3) The Navy Reserve, 58,600.

10 (4) The Marine Corps Reserve, 36,800.

11 (5) The Air National Guard of the United
12 States, 108,300.

13 (6) The Air Force Reserve, 70,300.

14 (7) The Coast Guard Reserve, 7,000.

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

19 (1) the total authorized strength of units orga-
20 nized to serve as units of the Selected Reserve of
21 such component which are on active duty (other
22 than for training) at the end of the fiscal year; and

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve of any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2022, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 30,845.
- 23 (2) The Army Reserve, 16,511.
- 24 (3) The Navy Reserve, 10,293.
- 25 (4) The Marine Corps Reserve, 2,386.

1 (5) The Air National Guard of the United
2 States, 26,661.

3 (6) The Air Force Reserve, 6,003.

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2022 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

11 (1) For the Army National Guard of the United
12 States, 22,294.

13 (2) For the Army Reserve, 6,492.

14 (3) For the Air National Guard of the United
15 States, 9,885.

16 (4) For the Air Force Reserve, 7,111.

17 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
18 **THORIZED TO BE ON ACTIVE DUTY FOR**
19 **OPERATIONAL SUPPORT.**

20 During fiscal year 2022, the maximum number of
21 members of the reserve components of the Armed Forces
22 who may be serving at any time on full-time operational
23 support duty under section 115(b) of title 10, United
24 States Code, is the following:

1 (1) The Army National Guard of the United
2 States, 17,000.

3 (2) The Army Reserve, 13,000.

4 (3) The Navy Reserve, 6,200.

5 (4) The Marine Corps Reserve, 3,000.

6 (5) The Air National Guard of the United
7 States, 16,000.

8 (6) The Air Force Reserve, 14,000.

9 **SEC. 415. ACCOUNTING OF RESERVE COMPONENT MEM-**
10 **BERS PERFORMING ACTIVE DUTY OR FULL-**
11 **TIME NATIONAL GUARD DUTY TOWARDS AU-**
12 **THORIZED END STRENGTHS.**

13 Section 115(b)(2)(B) of title 10, United States Code,
14 is amended by striking “1095 days in the previous 1460
15 days” and inserting “1825 days in the previous 2190
16 days”.

17 **Subtitle C—Authorization of**
18 **Appropriations**

19 **SEC. 421. MILITARY PERSONNEL.**

20 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
21 are hereby authorized to be appropriated for fiscal year
22 2022 for the use of the Armed Forces and other activities
23 and agencies of the Department of Defense for expenses,
24 not otherwise provided for, for military personnel, as spec-
25 ified in the funding table in section 4401.

1 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
2 thorization of appropriations in the subsection (a) super-
3 sedes any other authorization of appropriations (definite
4 or indefinite) for such purpose for fiscal year 2022.

5 **TITLE V—MILITARY PERSONNEL**
6 **POLICY**

7 **Subtitle A—Reserve Component**
8 **Management**

9 **SEC. 501. GRADE OF CERTAIN CHIEFS OF RESERVE COMPO-**
10 **NENTS.**

11 (a) IN GENERAL.—

12 (1) CHIEF OF ARMY RESERVE.—Section
13 7038(b)(1) of title 10, United States Code, is
14 amended by striking “general officers of the Army
15 Reserve” and inserting “officers of the Army Re-
16 serve in the grade of lieutenant general and”.

17 (2) CHIEF OF NAVY RESERVE.—Section
18 8083(b)(1) of such title is amended by striking “flag
19 officers of the Navy (as defined in section 8001(1))”
20 and inserting “officers of the Navy Reserve in the
21 grade of vice admiral and”.

22 (3) COMMANDER, MARINE FORCES RESERVE.—
23 Section 8084(b)(1) of such title is amended by strik-
24 ing “general officers of the Marine Corps (as defined
25 in section 8001(2))” and inserting “officers of the

1 Marine Corps Reserve in the grade of lieutenant
2 general and”.

3 (4) CHIEF OF AIR FORCE RESERVE.—Section
4 9038(b)(1) of such title is amended by striking
5 “general officers of the Air Force Reserve” and in-
6 serting “officers of the Air Force Reserve in the
7 grade of lieutenant general and”.

8 (b) EFFECTIVE DATE.—The amendments made
9 under subsection (a) shall take effect on the date that is
10 one year after the date of the enactment of this Act and
11 shall apply to appointments made after such date.

12 **SEC. 502. GRADE OF VICE CHIEF OF THE NATIONAL GUARD**
13 **BUREAU.**

14 Section 10505 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(c) GRADE.—(1) The Vice Chief of the National
18 Guard Bureau shall be appointed to serve in the grade
19 of general.

20 “(2) The Secretary of Defense shall designate, pursu-
21 ant to subsection (b) of section 526 of this title, the posi-
22 tion of Vice Chief of the National Guard Bureau as one
23 of the general officer and flag officer positions to be ex-
24 cluded from the limitations in subsection (a) of such sec-
25 tion.”.

1 **SEC. 503. PROHIBITION ON PRIVATE FUNDING FOR INTER-**
2 **STATE DEPLOYMENT OF NATIONAL GUARD.**

3 (a) PROHIBITION.—Chapter 3 of title 32, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 329. Prohibition on private funding for interstate**
7 **deployment**

8 “A member of the National Guard may not be or-
9 dered to cross a border of a State to perform duty (under
10 this title, title 10, or State active duty) if such duty is
11 paid for with private funds, unless such duty is in response
12 to a major disaster or emergency under section 401 of the
13 Robert T. Stafford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5170).”.

15 (b) TECHNICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by adding
17 at the end the following new item:

“329. Prohibition on private funding for interstate deployment.”.

18 **SEC. 504. REQUIREMENT OF CONSENT OF THE CHIEF EXEC-**
19 **UTIVE OFFICER FOR CERTAIN FULL-TIME NA-**
20 **TIONAL GUARD DUTY PERFORMED IN A**
21 **STATE, TERRITORY, OR THE DISTRICT OF CO-**
22 **LUMBIA.**

23 Section 502(f)(2)(A) of title 32, United States Code,
24 is amended to read as follows:

1 “(A) Support of operations or missions under-
2 taken by the member’s unit at the request of the
3 President or Secretary of Defense, with the consent
4 of—

5 “(i) the chief executive officer of each
6 State (as that term is defined in section 901 of
7 this title) in which such operations or missions
8 shall take place; and

9 “(ii) if such operations or missions shall
10 take place in the District of Columbia, the
11 Mayor of the District of Columbia.”.

12 **SEC. 505. NATIONAL GUARD SUPPORT TO MAJOR DISAS-**
13 **TERS; REPORT ON METHODS TO ENHANCE**
14 **DOMESTIC RESPONSE TO LARGE SCALE,**
15 **COMPLEX AND CATASTROPHIC DISASTERS.**

16 (a) IN GENERAL.—Section 502(f) of title 32, United
17 States Code, is amended—

18 (1) in paragraph (2), by adding at the end the
19 following:

20 “(C) Operations or missions authorized by the
21 President or the Secretary of Defense to support
22 large scale, complex, catastrophic disasters, as de-
23 fined by section 311(3) of title 6, United States
24 Code, at the request of a State governor.”; and

25 (2) by adding at the end the following:

1 “(4) With respect to operations or missions de-
2 scribed under paragraph (2)(C), there is authorized
3 to be appropriated to the Secretary of Defense such
4 sums as may be necessary to carry out such oper-
5 ations and missions, but only if—

6 “(A) an emergency has been declared by
7 the governor of the applicable State; and

8 “(B) the President has declared the emer-
9 gency to be a major disaster for the purposes
10 of the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act.”.

12 (b) REPORT ON METHODS TO ENHANCE DOMESTIC
13 RESPONSE TO LARGE SCALE, COMPLEX AND CATA-
14 STROPHIC DISASTERS.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense, in consultation and coordination
18 with the Federal Emergency Management Agency,
19 the National Security Council, the Council of Gov-
20 ernors, and the National Governors Association,
21 shall submit to the congressional defense, the Com-
22 mittee on Homeland Security of the House of Rep-
23 resentatives, and the Committee on Homeland Secu-
24 rity and Governmental Affairs of the Senate a report
25 on their plan to establish policy and processes to im-

1 plement the authority provided by the amendments
2 made by section 520. The report shall include a de-
3 tailed examination of the policy framework con-
4 sistent with existing authorities, identify major stat-
5 utory or policy impediments to implementation, and
6 make recommendations for legislation as appro-
7 priate.

8 (2) CONTENTS.—The report submitted under
9 paragraph (1) shall include a description of—

10 (A) the current policy and processes where-
11 by governors can request activation of the Na-
12 tional Guard under title 32, United States
13 Code, as part of the response to large scale,
14 complex, catastrophic disasters that are sup-
15 ported by the Federal Government and, if no
16 formal process exists in policy, the Secretary of
17 Defense shall provide a timeline and plan to es-
18 tablish such a policy, including consultation
19 with the Council of Governors and the National
20 Governors Association;

21 (B) the Secretary of Defense’s assessment,
22 informed by consultation with the Federal
23 Emergency Management Agency, the National
24 Security Council, the Council of Governors, and
25 the National Governors Association, regarding

1 the sufficiency of current authorities for the re-
2 imbursement of National Guard and Reserve
3 manpower during large scale, complex, cata-
4 strophic disasters under title 10 and title 32,
5 United States Code, and specifically whether re-
6 imbursement authorities are sufficient to ensure
7 that military training and readiness are not de-
8 graded to fund disaster response, or invoking
9 them degrades the effectiveness of the Disaster
10 Relief Fund;

11 (C) the Department of Defense’s plan to
12 ensure there is parallel and consistent policy in
13 the application of the authorities granted under
14 section 12304a of title 10, United States Code,
15 and section 502(f) of title 32, United States
16 Code, including—

17 (i) a description of the disparities be-
18 tween benefits and protections under Fed-
19 eral law versus State active duty;

20 (ii) recommended solutions to achieve
21 parity at the Federal level; and

22 (iii) recommended changes at the
23 State level, if appropriate;

24 (D) the Department of Defense’s plan to
25 ensure there is parity of benefits and protec-

1 tions for military members employed as part of
2 the response to large scale, complex, cata-
3 strophic disasters under title 32 or title 10,
4 United States Code, and recommendations for
5 addressing shortfalls; and

6 (E) a review, by the Federal Emergency
7 Management Agency, of the current policy for,
8 and an assessment of the sufficiency of, reim-
9 bursement authority for the use of all National
10 Guard and Reserve, both to the Department of
11 Defense and to the States, during large scale,
12 complex, catastrophic disasters, including any
13 policy and legal limitations, and cost assess-
14 ment impact on Federal funding.

15 **SEC. 506. CONTINUED NATIONAL GUARD SUPPORT FOR**
16 **FIREGUARD PROGRAM.**

17 The Secretary of Defense shall continue to support
18 the FireGuard program with National Guard personnel to
19 aggregate, analyze, and assess multi-source remote sens-
20 ing information for interagency partnerships in the initial
21 detection and monitoring of wildfires until September 30,
22 2026. After such date, the Secretary may not reduce such
23 support, or transfer responsibility for such support to an
24 interagency partner, until 30 days after the date on which
25 the Secretary submits to the Committees on Armed Serv-

1 ices of the Senate and House of Representatives written
2 notice of such proposed change, and reasons for such
3 change.

4 **SEC. 507. STUDY ON REAPPORTIONMENT OF NATIONAL**
5 **GUARD FORCE STRUCTURE BASED ON DO-**
6 **MESTIC RESPONSES.**

7 (a) STUDY.—The Secretary of Defense, in consulta-
8 tion with the Chief of the National Guard Bureau and the
9 Adjutants General, shall conduct a study to determine
10 whether to reapportion the force structure of the National
11 Guard based on wartime and domestic response require-
12 ments. The study under shall include the following ele-
13 ments:

14 (1) An assessment how domestic response mis-
15 sions affect recruitment and retention of qualified
16 personnel, especially in States—

17 (A) with the lowest ratios of National
18 Guard members to the general population; and

19 (B) that are most prone to natural disas-
20 ters.

21 (2) An assessment how domestic response mis-
22 sions affect the ability of the National Guard of a
23 State to ability to staff, equip, and ready a unit for
24 its Federal missions.

1 (3) An comparison of the costs of a response to
2 a domestic incident in a State with—

3 (A) units of the National Guard of such
4 State; and

5 (B) units of the National Guards of other
6 States pursuant to an emergency management
7 assistance compact.

8 (4) Based on the recommendations in the 2021
9 report of the National Guard Bureau titled “Impact
10 of U.S. Population Trends on National Guard Force
11 Structure”, an assessment of—

12 (A) challenges to recruiting members of
13 the National Guard and allocating mission sets
14 to other geographic regions; and

15 (B) the ability to track and respond to do-
16 mestic migration trends in order to establish a
17 baseline for force structure requirements.

18 (5) In light of the limited authority of the
19 President under section 104(c) of title 32, United
20 States Code, an assessment of whether the number
21 of members of the National Guard is sufficient to re-
22 apportion force structure to meet the requirements
23 of domestic responses and shifting populations.

24 (b) REPORT.—Not later than 180 days after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall submit to the Committees on Armed Services of the
2 Senate and House of Representatives a report on the re-
3 sults of the study under subsection (a).

4 (c) STATE DEFINED.—In this section, the term
5 “State” includes the various States and Territories, the
6 Commonwealth of Puerto Rico, and the District of Colum-
7 bia.

8 **SEC. 508. REPORT ON FEASIBILITY AND ADVISABILITY OF**
9 **INCLUDING CYBERSECURITY OPERATIONS**
10 **AND MISSIONS TO PROTECT CRITICAL INFRA-**
11 **STRUCTURE BY MEMBERS OF THE NATIONAL**
12 **GUARD IN CONNECTION WITH TRAINING OR**
13 **OTHER DUTY.**

14 Not later than one year after the date of the enact-
15 ment of this Act, the Secretary of Defense shall submit
16 to the Committees on Armed Services of the Senate and
17 House of Representatives a report on the feasibility and
18 advisability of including in the duty described in section
19 502(f)(1) of title 32, United States Code, training or other
20 duty relating to cybersecurity operations or missions un-
21 dertaken by the member’s unit at the request of the Gov-
22 ernor of the State concerned to protect critical infrastruc-
23 ture (as that term is defined in the Critical Infrastructures
24 Protection Act of 2001 (42 U.S.C. 5195c)).

1 **SEC. 509. ACCESS TO TOUR OF DUTY SYSTEM.**

2 (a) ACCESS.—

3 (1) IN GENERAL.—Not later than one year
4 after the date of the enactment of this Act, the Sec-
5 retary of the Army shall ensure, subject to para-
6 graph (2), that a member of the reserve components
7 of the Army may access the Tour of Duty system
8 using a personal internet-enabled device.

9 (2) EXCEPTION.—The Secretary of the Army
10 may restrict access to the Tour of Duty system on
11 personal internet-enabled devices if the Secretary de-
12 termines such restriction is necessary to ensure the
13 security and integrity of information systems and
14 data of the United States.

15 (b) TOUR OF DUTY SYSTEM DEFINED.—In this Act,
16 the term “Tour of Duty system” means the online system
17 of listings for opportunities to serve on active duty for
18 members of the reserve components of the Army and
19 through which such a member may apply for such an op-
20 portunity, known as “Tour of Duty”, or any successor to
21 such system.

22 **SEC. 509A. ENHANCEMENT OF NATIONAL GUARD YOUTH**
23 **CHALLENGE PROGRAM.**

24 (a) AUTHORITY.—During fiscal year 2022, the Sec-
25 retary of Defense may provide assistance to a National
26 Guard Youth Challenge Program of a State—

1 (1) in addition to assistance under subsection
2 (d) of section 509 of title 32, United States Code;

3 (2) that is not subject to the matching require-
4 ment under such subsection; and

5 (3) for the following purposes:

6 (A) New program start-up costs.

7 (B) Special projects.

8 (C) Workforce development programs.

9 (D) Emergency costs.

10 (b) LIMITATIONS.—

11 (1) MATCHING.—The Secretary may not pro-
12 vide additional assistance under this section to a
13 State that does not comply with the matching re-
14 quirement under such subsection regarding assist-
15 ance under such subsection.

16 (2) TOTAL ASSISTANCE.—Total assistance
17 under this section to all States may not exceed 10
18 percent of the funds appropriated for the National
19 Guard Youth Challenge Program for fiscal year
20 2022.

21 (c) REPORTING.—Any assistance provided under this
22 section shall be included in the annual report under sub-
23 section (k) of such section.

1 **Subtitle B—General Service**
2 **Authorities and Military Records**

3 **SEC. 511. PROHIBITION ON COMMISSIONING OR ENLIST-**
4 **MENT IN THE ARMED FORCES OF AN INDI-**
5 **VIDUAL CONVICTED OF A FELONY HATE**
6 **CRIME.**

7 (a) PROHIBITION.—Section 657 of title 10, United
8 States Code, is amended—

9 (1) in the heading, by striking “**sexual**”; and

10 (2) in subsection (b), by adding at the end the
11 following new paragraphs:

12 “(5) An offense under section 249 of title 18.

13 “(6) An offense under State or local law—

14 “(A) described in section 245(a)(1) of title
15 18; or

16 “(B) the elements of which are substan-
17 tially similar to those of an offense under sec-
18 tion 247 or 249 of title 18.”.

19 (b) CONFORMING AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 37 of such title is amend-
21 ed by striking the item relating to section 657 and insert-
22 ing the following:

 “657. Prohibition on service in the armed forces by individuals convicted of cer-
 tain offenses.”.

1 **SEC. 512. REDUCTION IN SERVICE COMMITMENT RE-**
2 **QUIRED FOR PARTICIPATION IN CAREER**
3 **INTERMISSION PROGRAM OF A MILITARY DE-**
4 **PARTMENT.**

5 Section 710(c)(3) of title 10, United States Code, is
6 amended by striking “two months” and inserting “one
7 month”.

8 **SEC. 513. MODERNIZATION OF THE SELECTIVE SERVICE**
9 **SYSTEM.**

10 (a) REFERENCE.—Except as expressly provided oth-
11 erwise, any reference in this section to a section or other
12 provision shall be deemed to be a reference to that section
13 or other provision of the Military Selective Service Act (50
14 U.S.C. 3801 et seq.).

15 (b) PURPOSE OF SELECTIVE SERVICE.—Section 1(b)
16 (50 U.S.C. 3801(b)) is amended—

17 (1) by striking “armed strength” and inserting
18 “military strength”;

19 (2) by striking “insure” and inserting “ensure”;
20 and

21 (3) by inserting before the period at the end the
22 following: “by ensuring adequate personnel with the
23 requisite capabilities to meet the mobilization needs
24 of the Department of Defense during a national
25 emergency and not solely to provide combat replace-
26 ments”.

1 (c) SOLEMNITY OF MILITARY SERVICE.—Section 3
2 (50 U.S.C. 3802) is amended by adding at the end the
3 following:

4 “(c) Regulations prescribed pursuant to subsection
5 (a) shall include methods to convey to every person re-
6 quired to register the solemn obligation for military service
7 in the event of a military draft.”.

8 (d) EXPANDED REGISTRATION TO ALL AMERI-
9 CANS.—

10 (1) Section 3(a) (50 U.S.C. 3802(a)) is amend-
11 ed—

12 (A) by striking “male citizen” and insert-
13 ing “citizen”;

14 (B) by striking “male person” and insert-
15 ing “person”;

16 (C) by striking “present himself” and in-
17 serting “appear”; and

18 (D) by striking “so long as he” and insert-
19 ing “so long as such alien”.

20 (2) Section 4(e) (50 U.S.C. 3803(e)) is amend-
21 ed by striking “enlisted men” and inserting “en-
22 listed persons”.

23 (3) Section 5 (50 U.S.C. 3805) is amended—
24 (A) in subsection (a)(1)—

1 (i) by striking “race or color” and in-
2 serting “race, color, sex, or gender”; and

3 (ii) by striking “call for men” and in-
4 serting “call for persons”; and

5 (B) in subsection (b), by striking “men”
6 each place it appears and inserting “persons”.

7 (4) Section 6 (50 U.S.C. 3806) is amended—

8 (A) in subsection (a)(1)—

9 (i) by striking “enlisted men” and in-
10 serting “enlisted persons”; and

11 (ii) by striking “accrue to him” and
12 inserting “accrue to such alien”; and

13 (B) in subsection (h)—

14 (i) by striking “(other than wives
15 alone, except in cases of extreme hard-
16 ship)”; and

17 (ii) by striking “wives and children”
18 and inserting “spouses and children”.

19 (5) Section 10(b)(3) (50 U.S.C. 3809(b)(3)) is
20 amended—

21 (A) by striking “the President is re-
22 quested” and all that follows through “within
23 its jurisdiction” and inserting “the President is
24 requested to appoint the membership of each
25 local board so that each board has both male

1 and female members and, to the maximum ex-
2 tent practicable, it is proportionately represent-
3 ative of the race, national origin, and sex of
4 those registrants within its jurisdiction”; and

5 (B) by striking “race or national origin”
6 and inserting “race, sex, or national origin”.

7 (6) Section 16(a) (50 U.S.C. 3814(a)) is
8 amended by striking “men” and inserting “persons”.

9 (e) MAINTAINING THE HEALTH OF THE SELECTIVE
10 SERVICE SYSTEM.—Section 10(a) (50 U.S.C. 3809(a)) is
11 amended by adding at the end the following new para-
12 graph:

13 “(5) The Selective Service System shall conduct
14 exercises periodically of all mobilization plans, sys-
15 tems, and processes to evaluate and test the effec-
16 tiveness of such plans, systems, and processes. Once
17 every 4 years, the exercise shall include the full
18 range of internal and interagency procedures to en-
19 sure functionality and interoperability and may take
20 place as part of the Department of Defense mobili-
21 zation exercise under section 10208 of title 10,
22 United States Code. The Selective Service System
23 shall conduct a public awareness campaign in con-
24 junction with each exercise to communicate the pur-
25 pose of the exercise to the public.”.

1 (f) DUE PROCESS FOR FAILURE TO REGISTER.—

2 (1) Section 12 (50 U.S.C. 3811) is amended—

3 (A) in subsection (f)—

4 (i) in paragraph (2), by inserting be-
5 fore the period at the end “or proof of reg-
6 istration in accordance with subsection
7 (g)”;

8 (ii) in paragraph (3)—

9 (I) in the first sentence, by strik-
10 ing “compliance” and inserting “com-
11 pliance or proof of registration”; and

12 (II) in the second sentence, by
13 inserting before the period at the end
14 “or proof of registration”; and

15 (iii) in paragraph (4), in the second
16 sentence—

17 (I) by striking “thereunder” and
18 inserting “thereunder, or failure to
19 provide proof of registration in ac-
20 cordance with subsection (g),”; and

21 (II) by inserting before the pe-
22 riod at the end “or has registered in
23 accordance with subsection (g)”;

24 (B) in subsection (g)—

1 (i) in paragraph (1), by striking “;
2 and” and inserting “and the person shows
3 by a preponderance of the evidence that
4 the failure of the person to register was
5 not a knowing and willful failure to reg-
6 ister; or”; and

7 (ii) by amending paragraph (2) to
8 read as follows:

9 “(2) the person was provided notice of the per-
10 son’s failure to register and the person registered
11 within 30 days with the Selective Service System, re-
12 gardless of the person’s age at the time of registra-
13 tion.”.

14 (g) TECHNICAL AND CONFORMING AMENDMENTS.—
15 The Military Selective Service Act is amended—

16 (1) in section 4 (50 U.S.C. 3803)—

17 (A) in subsection (a) in the third undesig-
18 nated paragraph—

19 (i) by striking “his acceptability in all
20 respects, including his” and inserting
21 “such person’s acceptability in all respects,
22 including such person’s”; and

23 (ii) by striking “he may prescribe”
24 and inserting “the President may pre-
25 scribe”;

1 (B) in subsection (c)—

2 (i) in paragraph (2), by striking “any
3 enlisted member” and inserting “any per-
4 son who is an enlisted member”; and

5 (ii) in paragraphs (3), (4), and (5), by
6 striking “in which he resides” and insert-
7 ing “in which such person resides”;

8 (C) in subsection (g), by striking “coordi-
9 nate with him” and inserting “coordinate with
10 the Director”; and

11 (D) in subsection (k)(1), by striking “find-
12 ing by him” and inserting “finding by the
13 President”;

14 (2) in section 5(d) (50 U.S.C. 3805(d)), by
15 striking “he may prescribe” and inserting “the
16 President may prescribe”;

17 (3) in section 6 (50 U.S.C. 3806)—

18 (A) in subsection (c)(2)(D), by striking
19 “he may prescribe” and inserting “the Presi-
20 dent may prescribe”;

21 (B) in subsection (d)(3), by striking “he
22 may deem appropriate” and inserting “the
23 President considers appropriate”; and

1 (C) in subsection (h), by striking “he may
2 prescribe” each place it appears and inserting
3 “the President may prescribe”;

4 (4) in section 10 (50 U.S.C. 3809)—

5 (A) in subsection (b)—

6 (i) in paragraph (3)—

7 (I) by striking “He shall create”
8 and inserting “The President shall
9 create”; and

10 (II) by striking “upon his own
11 motion” and inserting “upon the
12 President’s own motion”;

13 (ii) in paragraph (4), by striking “his
14 status” and inserting “such individual’s
15 status”; and

16 (iii) in paragraphs (4), (6), (8), and
17 (9), by striking “he may deem” each place
18 it appears and inserting “the President
19 considers”; and

20 (B) in subsection (e), by striking “vested
21 in him” and inserting “vested in the Presi-
22 dent”;

23 (5) in section 13(b) (50 U.S.C. 3812(b)), by
24 striking “regulation if he” and inserting “regulation
25 if the President”;

1 (6) in section 15 (50 U.S.C. 3813)—

2 (A) in subsection (b), by striking “his”
3 each place it appears and inserting “the reg-
4 istrant’s”; and

5 (B) in subsection (d), by striking “he may
6 deem” and inserting “the President considers”;

7 (7) in section (16)(g) (50 U.S.C. 3814(g))—

8 (A) in paragraph (1), by striking “who as
9 his regular and customary vocation” and insert-
10 ing “who, as such person’s regular and cus-
11 tomary vocation,”; and

12 (B) in paragraph (2)—

13 (i) by striking “one who as his cus-
14 tomary vocation” and inserting “a person
15 who, as such person’s customary voca-
16 tion,”; and

17 (ii) by striking “he is a member” and
18 inserting “such person is a member”;

19 (8) in section (18)(a) (50 U.S.C. 3816(a)), by
20 striking “he is authorized” and inserting “the Presi-
21 dent is authorized”;

22 (9) in section 21 (50 U.S.C. 3819)—

23 (A) by striking “he is sooner” and insert-
24 ing “sooner”;

1 (B) by striking “he” each subsequent place
2 it appears and inserting “such member”; and

3 (C) by striking “his consent” and inserting
4 “such member’s consent”;

5 (10) in section 22(b) (50 U.S.C. 38290(b)), in
6 paragraphs (1) and (2), by striking “his” each place
7 it appears and inserting “the registrant’s”; and

8 (11) except as otherwise provided in this sec-
9 tion—

10 (A) by striking “he” each place it appears
11 and inserting “such person”;

12 (B) by striking “his” each place it appears
13 and inserting “such person’s”;

14 (C) by striking “him” each place it ap-
15 pears and inserting “such person”; and

16 (D) by striking “present himself” each
17 place it appears in section 12 (50 U.S.C. 3811)
18 and inserting “appear”.

19 (h) CONFORMING AMENDMENTS TO OTHER LAWS.—

20 (1) Section 3328 of title 5, United States Code,
21 is amended by striking subsection (a) and inserting
22 the following:

23 “(a) An individual who was required to register under
24 section 3 of the Military Selective Service Act (50 U.S.C.
25 3803) but failed to meet the registration requirements of

1 section 3 of that Act shall be ineligible for appointment
2 to a position in an Executive agency, unless—

3 “(1) the requirement for the person to so reg-
4 ister has terminated or become inapplicable to the
5 person and the person shows by a preponderance of
6 the evidence that the failure of the person to register
7 was not a knowing and willful failure to register; or

8 “(2) the person was provided notice of the per-
9 son’s failure to register and the person registered
10 within 30 days with the Selective Service System, re-
11 gardless of the person’s age at the time of registra-
12 tion.”.

13 (2) Section 484(n) of the Higher Education Act
14 of 1965 (20 U.S.C. 1091(n)) is amended by striking
15 “(50 U.S.C. App. 462(f))” and inserting “(50
16 U.S.C. 3811(f))”.

17 (i) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on the date of the enactment
19 of this Act, except that the amendments made by sub-
20 sections (d) and (h)(1) shall take effect one year after
21 such date of enactment.

1 **SEC. 514. IMPROVEMENTS TO MILITARY ACCESSIONS IN**
2 **ARMED FORCES UNDER THE JURISDICTION**
3 **OF THE SECRETARIES OF THE MILITARY DE-**
4 **PARTMENTS.**

5 (a) **IN GENERAL.**—Not later than one year after the
6 date of the enactment of this Act, each Secretary of a mili-
7 tary department shall take the following steps regarding
8 military accessions in each Armed Force under the juris-
9 diction of such Secretary:

10 (1) Assess the prescribed medical standards for
11 appointment as an officer, or enlistment as a mem-
12 ber, in such Armed Force.

13 (2) Determine how to update the medical
14 screening processes for appointment or enlistment.

15 (3) Determine how to standardize operations
16 across the military entrance processing stations.

17 (4) Determine how to improve aptitude testing
18 methods and standardized testing requirements.

19 (5) Implement improvements determined or
20 identified under paragraphs (1) through (4).

21 (b) **REPORT.**—Not later than one year after the date
22 of the enactment of this Act, each Secretary shall submit
23 to the appropriate congressional committees a report con-
24 taining the results of carrying out this section and rec-
25 ommendations regarding legislation the Secretary deter-
26 mines necessary to improve such military accessions.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congress-
3 sional committees” means—

4 (1) The Committee on Armed Services of the
5 House of Representatives.

6 (2) The Committee on Armed Services of the
7 Senate.

8 (3) The Committee on Transportation and In-
9 frastructure of the House of Representatives.

10 (4) The Committee on Commerce, Science, and
11 Transportation of the Senate.

12 **SEC. 515. AUTHORIZATION OF PERMISSIVE TEMPORARY**
13 **DUTY FOR WELLNESS.**

14 In order to reduce the rate of suicides in the Armed
15 Forces, the Secretary of each military department shall
16 prescribe regulations that authorize a member of an
17 Armed Force under the jurisdiction of such Secretary to
18 take not more than two weeks of permissive temporary
19 duty each year to attend a seminar, retreat, workshop, or
20 outdoor recreational therapy event—

21 (a) hosted by a non-profit organization; and

22 (b) that focuses on psychological, physical, spiritual,
23 or social wellness.

1 **SEC. 516. REQUIRED STAFFING OF ADMINISTRATIVE SEPA-**
2 **RATION BOARDS.**

3 (a) IN GENERAL.—The Secretary of the military de-
4 partment concerned shall ensure that any administrative
5 separation board under the jurisdiction of such Secretary
6 has assigned to it the following:

7 (1) A nonvoting legal advisor who shall be re-
8 sponsible for providing legal advice to the President
9 of the board on—

10 (A) the operations and procedures of the
11 board; and

12 (B) matters under consideration by the
13 board.

14 (2) A nonvoting recorder who shall be respon-
15 sible for representing the separation authority in the
16 in the proceedings before the board.

17 (b) SELECTION AND SUPERVISION.—

18 (1) IN GENERAL.—The nonvoting legal advisor
19 referred to in subsection (a)(1) and the recorder re-
20 ferred to in subsection (a)(2) shall each be selected
21 by the staff judge advocate and each shall serve
22 under the supervision of such staff judge advocate.

23 (2) CERTIFICATION.—The staff judge advocate
24 who selects the recorder under paragraph (1) shall
25 include in the record of the proceedings of the board
26 a written certification affirming that the recorder

1 has the legal skills necessary to competently fulfill
2 the duties of that position.

3 **SEC. 517. ADMINISTRATIVE SEPARATION: MISCELLANEOUS**
4 **AUTHORITIES AND REQUIREMENTS.**

5 Not later than one year after the date of the enact-
6 ment of this Act, the Secretary of Defense and each Sec-
7 retary of a military department shall prescribe regulations
8 and guidance for administrative separations of enlisted
9 members under the jurisdiction of such Secretary that—

10 (1) authorize the Secretary of the military de-
11 partment concerned to characterize an administra-
12 tive discharge, considered by an administrative sepa-
13 ration board under regulations prescribed by such
14 Secretary—

15 (A) under any conditions (including other
16 than honorable); and

17 (B) notwithstanding the recommendation
18 of such administrative separation board; and

19 (2) in the case of an administrative separation
20 on the basis of an offense by the member against an
21 individual, allow such individual to request that at
22 least one voting member of the administrative sepa-
23 ration board be of the same gender, race, or eth-
24 nicity of such individual.

1 **SEC. 518. PROHIBITION ON ALGORITHMIC CAREER TERMI-**
2 **NATION.**

3 No funds authorized to be appropriated by this Act
4 may be used to subject a member of the Armed Forces
5 under the jurisdiction of a Secretary of a military depart-
6 ment to discipline of any kind solely based on the output
7 of an automated algorithmic, mathematical, or other ana-
8 lytic tool used in the evaluation of publicly available social
9 media posts or other publicly available online activity at-
10 tributable to such member, unless the Secretary concerned
11 determines an imminent threat of physical violence exists.

12 **SEC. 519. PROHIBITION ON DISCIPLINE AGAINST A MEM-**
13 **BER BASED ON CERTAIN SOCIAL MEDIA.**

14 No funds authorized to be appropriated by this Act
15 may be used to subject a member of the Armed Forces
16 under the jurisdiction of a Secretary of a military depart-
17 ment to discipline of any kind solely based on a comment,
18 post, or other activity originating from a third party re-
19 garding a political matter on an online account, forum,
20 or other electronic means owned, controlled, or operated
21 by the member.

22 **SEC. 519A. COMMAND OVERSIGHT OF MILITARY**
23 **PRIVATIZED HOUSING AS ELEMENT OF PER-**
24 **FORMANCE EVALUATIONS.**

25 (a) **EVALUATIONS IN GENERAL.**—Each Secretary of
26 a military department shall ensure that the performance

1 evaluations of any individual described in subsection (b)
2 under the jurisdiction of such Secretary indicates the ex-
3 tent to which such individual has or has not exercised ef-
4 fective oversight and leadership in the following:

5 (1) Improving conditions of privatized housing
6 under subchapter IV of chapter 169 of title 10,
7 United States Code.

8 (2) Addressing concerns with respect to such
9 housing of members of the Armed Forces and their
10 families who reside in such housing on an installa-
11 tion of the military department concerned.

12 (3) Addressing concerns regarding housing dis-
13 crimination against individuals based on race, eth-
14 nicity, sex, gender identity, religion, or employment.

15 (b) COVERED INDIVIDUALS.—The individuals de-
16 scribed in this subsection are as follows:

17 (1) The commander of an installation of a mili-
18 tary department at which on-installation housing is
19 managed by a landlord of privatized housing under
20 subchapter IV of chapter 169 of title 10, United
21 States Code.

22 (2) Each officer or senior enlisted member of
23 the Armed Forces at an installation described in
24 paragraph (1) whose duties include facilities or
25 housing management at such installation.

1 (3) Any other officer or enlisted member of the
2 Armed Forces (whether or not at an installation de-
3 scribed in paragraph (1)) as specified by the Sec-
4 retary of the military department concerned for pur-
5 poses of this section.

6 **SEC. 519B. FEASIBILITY STUDY ON ESTABLISHMENT OF**
7 **HOUSING HISTORY FOR MEMBERS OF THE**
8 **ARMED FORCES WHO RESIDE IN HOUSING**
9 **PROVIDED BY THE UNITED STATES.**

10 (a) **STUDY; REPORT.**—Not later than September 30,
11 2022, the Secretary of Defense shall—

12 (1) conduct a feasibility study regarding the es-
13 tablishment of a standard record of housing history
14 for members of the Armed Forces who reside in cov-
15 ered housing; and

16 (2) submit to the appropriate congressional
17 committees a report on the results of such study.

18 (b) **CONTENTS.**—A record described in subsection (a)
19 includes, with regards to each period during which the
20 member concerned resided in covered housing, the fol-
21 lowing:

22 (1) The assessment of the commander of the
23 military installation in which such housing is lo-
24 cated, of the condition of such covered housing—

1 (A) prior to the beginning of such period;
2 and

3 (B) in which the member concerned left
4 such covered housing upon vacating such cov-
5 ered housing.

6 (2) Contact information a housing provider may
7 use to inquire about such a record.

8 (c) ONLINE ACCESS.—A record described in sub-
9 section (a) would be accessible through a website, main-
10 tained by the Secretary of the military department con-
11 cerned, through which a member of the Armed Forces
12 under the jurisdiction of such Secretary may access such
13 record of such member.

14 (d) ISSUANCE.—The Secretary concerned would issue
15 a copy of a described in subsection (a) to the member con-
16 cerned upon the separation, retirement, discharge, or dis-
17 missal of such member from the Armed Forces, with the
18 DD Form 214 for such member.

19 (e) DEFINITIONS.—In this section:

20 (1) The term “appropriate congressional com-
21 mittees” means the following:

22 (A) The Committee on Armed Services of
23 the House of Representatives.

24 (B) The Committee on Armed Services of
25 the Senate.

1 (C) The Committee on Transportation and
2 Infrastructure of the House of Representatives.

3 (D) The Committee on Commerce, Science,
4 and Transportation of the Senate.

5 (2) The term “covered housing” means housing
6 provided by the United States to a member of the
7 Armed Forces.

8 **SEC. 519C. SEAMAN TO ADMIRAL-21 PROGRAM: CREDIT TO-**
9 **WARDS RETIREMENT.**

10 (a) CREDIT.—For each participant in the Seaman to
11 Admiral-21 program during fiscal years 2010 through
12 2014 for whom the Secretary of the Navy cannot find evi-
13 dence of an acknowledgment that, before entering a bacca-
14 laurate degree program, service during the baccalaureate
15 degree program would not be included when computing
16 years of service for retirement, the Secretary shall include
17 service during the baccalaureate degree program when
18 computing—

19 (1) years of service; and

20 (2) retired or retainer pay.

21 (b) REPORT REQUIRED.—The Secretary shall submit
22 a report to the Committees on Armed Services of the Sen-
23 ate and House of Representatives regarding the number
24 of participants credited with service under subsection (a).

1 (c) DEADLINE.—The Secretary shall carry out this
2 section not later than 180 days after the date of the enact-
3 ment of this Act.

4 **SEC. 519D. PROGRESS REPORT ON IMPLEMENTATION OF**
5 **GAO RECOMMENDATIONS REGARDING CA-**
6 **REER PATHS FOR SURFACE WARFARE OFFI-**
7 **CERS OF THE NAVY.**

8 (a) PROGRESS REPORT.—Not later than one year
9 after the date of the enactment of this Act, the Secretary
10 of the Navy shall submit to the congressional defense com-
11 mittees a progress report on implementation of the rec-
12 ommendations for executive action in the report of the
13 Government Accountability Office titled “Navy Readiness:
14 Actions Needed to Evaluate and Improve Surface Warfare
15 Officer Career Path” (GAO–21–168). The report shall in-
16 clude the following:

17 (1) Actions taken to develop plans to improve
18 retention of SWOs, with a focus on retention of fe-
19 male SWOs, including specific goals, performance
20 measures, and timelines.

21 (2) Actions taken to analyze relevant logbook
22 data for trends between the number of SWOs
23 aboard ships and competition for limited training op-
24 portunities.

1 (3) Actions taken to analyze the extent to which
2 commissioning practices affect training opportunities
3 for SWOs.

4 (4) Actions taken to reevaluate the need for nu-
5 clear-trained SWOs, assess the effects of the current
6 training approach, and make any related adjust-
7 ments to the respective career path.

8 (5) Actions taken to establish and implement
9 regular evaluations of the effectiveness of the cur-
10 rent career path, training, and policies for SWOs, in
11 successfully developing and retaining proficient
12 SWOs. The initial evaluation shall include—

13 (A) a comparison of such effectiveness
14 against that of other positions in the Navy, and
15 against comparable positions in other navies
16 and maritime communities; and

17 (B) input from SWOs at all grades.

18 (6) Actions taken to implement—

19 (A) workforce strategies;

20 (B) changes to the career path for SWOs,
21 training, and policies; and

22 (C) the implementation of pilot programs
23 to evaluate potential changes that address the
24 results of such initial evaluation.

1 (b) SWO DEFINED.—In this section, the term
2 “SWO” means “surface warfare officer”.

3 **SEC. 519E. INDEPENDENT ASSESSMENT OF RETENTION OF**
4 **FEMALE SURFACE WARFARE OFFICERS.**

5 (a) IN GENERAL.—The Secretary of Defense shall
6 seek to enter into an agreement with a nonprofit entity
7 or a federally funded research and development center
8 independent of the Department of Defense to conduct re-
9 search and analysis on the gender gap in retention of sur-
10 face warfare officers in the Navy.

11 (b) ELEMENTS.—The research and analysis con-
12 ducted under subsection (a) shall include consideration of
13 the following:

14 (1) Demographics of surface warfare officers,
15 disaggregated by gender, including—

16 (A) race;

17 (B) ethnicity;

18 (C) socioeconomic status;

19 (D) marital status (including whether the
20 spouse is a member of the Armed Forces and,
21 if so, the length of service of such spouse);

22 (E) whether the officer has children (in-
23 cluding number and age or ages of children);

1 (F) whether an immediate family member
2 serves or has served as a member of the Armed
3 Forces; and

4 (G) the percentage of such officers who—
5 (i) indicate an intent to complete only
6 an initial service agreement; and

7 (ii) complete only an initial service
8 agreement.

9 (2) Whether there is a correlation between the
10 number of female surface warfare officers serving on
11 a vessel and responses of such officers to command
12 climate surveys.

13 (3) An anonymous but traceable study of com-
14 mand climate results to—

15 (A) correlate responses from particular fe-
16 male surface warfare officers with resignation;
17 and

18 (B) compare attitudes of first-tour and
19 second-tour female surface warfare officers.

20 (4) Recommendations based on the findings
21 under paragraphs (1), (2), and (3).

22 (c) REPORTS.—

23 (1) IN GENERAL.—Not later than 270 days
24 after the date on which a nonprofit entity or feder-
25 ally funded research and development center enters

1 into an agreement under subsection (a) with the
2 Secretary of Defense, such entity or center shall
3 submit to the Secretary of Defense a report on the
4 results of the research and analysis under subsection
5 (a).

6 (2) SUBMISSION TO CONGRESS.—Not later than
7 one year after the date of the enactment of this Act,
8 the Secretary of Defense shall submit to the con-
9 gressional defense committees each of the following:

10 (A) A copy of the report submitted under
11 paragraph (1) without change.

12 (B) Any comments, changes, recommenda-
13 tions, or other information provided by the Sec-
14 retary of Defense relating to the research and
15 analysis under subsection (a) and contained in
16 such report.

17 **SEC. 519F. IMPLEMENTATION OF CERTAIN RECOMMENDA-**
18 **TIONS REGARDING USE OF UNMANNED AIR-**
19 **CRAFT SYSTEMS BY THE NATIONAL GUARD.**

20 Not later than September 30, 2022, the Secretary of
21 Defense shall implement recommendations of the Sec-
22 retary described in section 519C(a)(2) of the William M.
23 (Mac) Thornberry National Defense Authorization Act for
24 Fiscal Year 2021 (Public Law 116–283).

1 **Subtitle C—Military Justice and**
2 **Other Legal Matters**

3 **SEC. 521. RIGHTS OF THE VICTIM OF AN OFFENSE UNDER**
4 **THE UNIFORM CODE OF MILITARY JUSTICE.**

5 (a) IN GENERAL.—Section 806b(a) of title 10,
6 United States Code (article 6b(a) of the Uniform Code
7 of Military Justice) is amended—

8 (1) by redesignating paragraph (8) as para-
9 graph (9); and

10 (2) by inserting after paragraph (7) the fol-
11 lowing new paragraph:

12 “(8) The right to be informed in a timely man-
13 ner of any pre-trial agreement, separation-in-lieu-of-
14 trial agreement, or non-prosecution agreement relat-
15 ing to the offense, unless providing such information
16 would jeopardize another law enforcement pro-
17 ceeding or would violate the privacy concerns of an
18 individual other than the accused.”.

19 (b) POLICY ON INFORMATION PROVIDED TO VIC-
20 TIMS.—

21 (1) UNIFORM POLICY REQUIRED.—Not later
22 than one year after the date of the enactment of this
23 Act, the Secretary of Defense, in consultation with
24 the Secretary of the Department in which the Coast
25 Guard is operating, shall establish a uniform policy

1 for the sharing of the following information relating
2 to the victim of an offense under chapter 47 of title
3 10, United States Code (the Uniform Code of Mili-
4 tary Justice), with a Special Victims' Counsel or
5 Victims' Legal Counsel representing such victim:

6 (A) Any recorded statements of the victim
7 to investigators.

8 (B) The record of any forensic examination
9 of the person or property of the victim, includ-
10 ing the record of any sexual assault forensic
11 exam of the victim that is in possession of in-
12 vestigators or the Government.

13 (C) Any other personal or medical record
14 of the victim that is in the possession of inves-
15 tigators or the Government.

16 (2) EXCEPTION FOR WITHHOLDING OF INFOR-
17 MATION IN CERTAIN CIRCUMSTANCES.—The policy
18 under paragraph (1) may set forth circumstances in
19 which the information specified in such paragraph
20 may be withheld for the purpose of protecting the
21 integrity of an investigation or criminal proceeding.

1 **SEC. 522. COMMANDING OFFICER'S NON-JUDICIAL PUNISH-**
2 **MENT.**

3 (a) IN GENERAL.—Section 815 of title 10, United
4 States Code (article 15 of the Uniform Code of Military
5 Justice), is amended—

6 (1) by redesignating subsections (c) through (g)
7 as subsections (d) through (h), respectively;

8 (2) by inserting after subsection (b), the fol-
9 lowing new subsection:

10 “(c)(1) Except as provided in paragraphs (2) and (3),
11 a commanding officer may not impose a punishment au-
12 thorized in subsection (b) unless, before the imposition of
13 such punishment, the commanding officer—

14 “(A) requests and receives legal guidance re-
15 garding the imposition of such punishment from a
16 judge advocate or other legal officer of the armed
17 force of which the commanding officer is a member;
18 and

19 “(B) provides the member who may be subject
20 to such punishment with an opportunity to consult
21 appropriate legal counsel.

22 “(2) Paragraph (1) shall not apply to the punish-
23 ments specified in subparagraphs (E) and (F) of sub-
24 section (b)(2).

25 “(3) A commanding officer may waive the require-
26 ments set forth in subparagraphs (A) and (B) of para-

1 graph (1), on a case by case basis, if the commanding offi-
2 cer determines such a waiver is necessary in the national
3 security interests of the United States.”; and

4 (3) in subsection (f), as so redesignated, by
5 striking “subsection (d)” and inserting “subsection
6 (e)”.

7 (b) EFFECTIVE DATE AND APPLICABILITY.—The
8 amendments made by subsection (a) shall take effect 180
9 days after the date of the enactment of this Act and shall
10 apply with respect to punishments imposed under section
11 815 of title 10, United States Code (article 15 of the Uni-
12 form Code of Military Justice), on or after such effective
13 date.

14 (c) ADDITIONAL GUIDANCE REQUIRED.—Not later
15 than one year after the date of the enactment of this Act,
16 each Secretary of a military department shall prescribe
17 regulations or issue other written guidance with respect
18 to non-judicial punishment under section 815 of title 10,
19 United States Code (article 15 of the Uniform Code of
20 Military Justice) that—

21 (1)(A) identifies criteria to be considered when
22 determining whether a member of the armed forces
23 is attached to or embarked in a vessel for the pur-
24 poses of determining whether such member may de-

1 mand trial by court-martial in lieu of punishment
2 under such section (article); and

3 (B) establishes a policy about the appropriate
4 and responsible invocation of such exception; and

5 (2) establishes criteria commanders must con-
6 sider when evaluating whether to issue a waiver
7 under subsection (c)(3) of such section (article) (as
8 added by subsection (a) of this section) on the basis
9 of the national security interests of the United
10 States.

11 **SEC. 523. SELECTION PROCESS FOR MEMBERS TO SERVE**
12 **ON COURTS-MARTIAL.**

13 Section 825(e) of title 10, United States Code (article
14 25(e) of the Uniform Code of Military Justice), is amend-
15 ed—

16 (1) by redesignating paragraphs (1), (2), and
17 (3) as paragraphs (3), (4), and (5), respectively;

18 (2) by inserting before paragraph (3), as so re-
19 designated, the following new paragraphs: “(1)
20 When convening a court-martial, the convening au-
21 thority shall detail as members thereof members of
22 the armed forces under such regulations as the
23 President may prescribe for the randomized selection
24 of qualified personnel available to the convening au-
25 thority for detail.

1 “(2) The randomized selection process developed and
2 implemented under paragraph (1) may include parameter
3 controls that—

4 “(A) allow for exclusions based on scheduling
5 availability;

6 “(B) allow for controls based on military rank;
7 and

8 “(C) allow for controls to promote gender, ra-
9 cial, and ethnic diversity and inclusion.”; and

10 (3) in paragraph (4), as so redesignated, by—

11 (A) striking the first sentence; and

12 (B) striking “when he is” and inserting
13 “when the member is”.

14 **SEC. 524. PETITION FOR DNA TESTING UNDER THE UNI-**
15 **FORM CODE OF MILITARY JUSTICE.**

16 (a) IN GENERAL.—Subchapter IX of chapter 47 of
17 title 10, United States Code (the Uniform Code of Military
18 Justice), is amended by inserting after section 873 (article
19 73) the following new section (article):

20 **“§ 873a. Art. 73a. Petition for DNA testing**

21 “(a) IN GENERAL.—Upon a written petition by an
22 accused sentenced to imprisonment or death pursuant to
23 a conviction under this chapter (referred to in this section
24 as the ‘applicant’), the Judge Advocate General shall order

1 DNA testing of specific evidence if the Judge Advocate
2 General finds that all of the following apply:

3 “(1) The applicant asserts, under penalty of
4 perjury, that the applicant is actually innocent of
5 the offense for which the applicant is sentenced to
6 imprisonment or death.

7 “(2) The specific evidence to be tested was se-
8 cured in relation to the investigation or prosecution
9 of the offense referenced in the applicant’s assertion
10 under paragraph (1).

11 “(3) The specific evidence to be tested—

12 “(A) was not previously subjected to DNA
13 testing and the applicant did not knowingly fail
14 to request DNA testing of that evidence in a
15 prior motion for postconviction DNA testing; or

16 “(B) was previously subjected to DNA
17 testing and the applicant is requesting DNA
18 testing using a new method or technology that
19 is substantially more probative than the prior
20 DNA testing.

21 “(4) The specific evidence to be tested is in the
22 possession of the Government and has been subject
23 to a chain of custody and retained under conditions
24 sufficient to ensure that such evidence has not been
25 substituted, contaminated, tampered with, replaced,

1 or altered in any respect material to the proposed
2 DNA testing.

3 “(5) The proposed DNA testing is reasonable in
4 scope, uses scientifically sound methods, and is con-
5 sistent with accepted forensic practices.

6 “(6) The applicant identifies a theory of de-
7 fense that—

8 “(A) is not inconsistent with an affirmative
9 defense presented at trial; and

10 “(B) would establish the actual innocence
11 of the applicant of the offense referenced in the
12 applicant’s assertion under paragraph (1).

13 “(7) If the applicant was convicted following a
14 trial, the identity of the perpetrator was at issue in
15 the trial.

16 “(8) The proposed DNA testing of the specific
17 evidence may produce new material evidence that
18 would—

19 “(A) support the theory of defense ref-
20 erenced in paragraph (6); and

21 “(B) raise a reasonable probability that
22 the applicant did not commit the offense.

23 “(9) The applicant certifies that the applicant
24 will provide a DNA sample for purposes of compari-
25 son.

1 “(10) The petition is made in a timely fashion,
2 subject to the following conditions:

3 “(A) There shall be a rebuttable presump-
4 tion of timeliness if the petition is made within
5 five years of the enactment of the National De-
6 fense Authorization Act for Fiscal Year 2022 or
7 within three years after the date of the entry of
8 judgment under section 860c of this title (arti-
9 cle 60c), whichever comes later. Such presump-
10 tion may be rebutted upon a showing—

11 “(i) that the applicant’s petition for a
12 DNA test is based solely upon information
13 used in a previously denied motion; or

14 “(ii) of clear and convincing evidence
15 that the applicant’s filing is done solely to
16 cause delay or harass.

17 “(B) There shall be a rebuttable presump-
18 tion against timeliness for any petition not sat-
19 isfying subparagraph (A) above. Such presump-
20 tion may be rebutted upon the Judge Advocate
21 General’s finding—

22 “(i) that the applicant was or is in-
23 competent and such incompetence substan-
24 tially contributed to the delay in the appli-
25 cant’s motion for a DNA test;

1 “(ii) the evidence to be tested is newly
2 discovered DNA evidence;

3 “(iii) that the applicant’s petition is
4 not based solely upon the applicant’s own
5 assertion of innocence and, after consid-
6 ering all relevant facts and circumstances
7 surrounding the petition, a denial would
8 result in a manifest injustice; or

9 “(iv) upon good cause shown.

10 “(C) For purposes of this paragraph—

11 “(i) the term ‘incompetence’ has the
12 meaning given that term in section 876b of
13 this chapter (article 76b);

14 “(ii) the term ‘manifest’ means that
15 which is unmistakable, clear, plain, or in-
16 disputable and requires that the opposite
17 conclusion be clearly evident.

18 “(b) APPEAL OF DENIAL.— The applicant may ap-
19 peal the Judge Advocate General’s denial of the petition
20 of DNA testing to the Court of Appeals for the Armed
21 Forces.

22 “(c) EVIDENCE INVENTORY; PRESERVATION ORDER;
23 APPOINTMENT OF COUNSEL.—

24 “(1) INVENTORY.—The Judge Advocate Gen-
25 eral shall order the preparation of an inventory of

1 the evidence related to the case for which a petition
2 is made under subsection (a), which shall be pro-
3 vided to the applicant.

4 “(2) PRESERVATION ORDER.—To the extent
5 necessary to carry out proceedings under this sec-
6 tion, the Judge Advocate General shall direct the
7 preservation of the specific evidence relating to a pe-
8 tition under subsection (a).

9 “(3) APPOINTMENT OF COUNSEL.—The appli-
10 cant shall be eligible for representation by appellate
11 defense counsel under section 870 of this chapter
12 (article 70).

13 “(d) TESTING COSTS.—The costs of any DNA test-
14 ing ordered under this section shall be paid by the Govern-
15 ment.

16 “(e) TIME LIMITATION IN CAPITAL CASES.—In any
17 case in which the applicant is sentenced to death—

18 “(1) any DNA testing ordered under this sec-
19 tion shall be completed not later than 60 days after
20 the date on which the test is ordered by the Judge
21 Advocate General; and

22 “(2) not later than 120 days after the date on
23 which the DNA testing ordered under this section is
24 completed, the Judge Advocate General shall order

1 any post-testing procedures under subsection (f) or
2 (g), as appropriate.

3 “(f) DISCLOSURE OF TEST RESULTS.—Reporting of
4 test results shall be simultaneously disclosed to the Gov-
5 ernment and the applicant.

6 “(g) POST-TESTING PROCEDURES; INCONCLUSIVE
7 AND INCULPATORY RESULTS.—

8 “(1) INCONCLUSIVE RESULTS.—If DNA test re-
9 sults obtained under this section are inconclusive,
10 the Judge Advocate General may order further test-
11 ing, if appropriate, or may deny the applicant relief.

12 “(2) INCULPATORY RESULTS.—If DNA test re-
13 sults obtained under this section show that the ap-
14 plicant was the source of the DNA evidence, the
15 Judge Advocate General shall—

16 “(A) deny the applicant relief; and

17 “(B) if the DNA test results relate to a
18 State offense, forward the finding to any appro-
19 priate State official.

20 “(h) POST-TESTING PROCEDURES; MOTION FOR
21 NEW TRIAL OR RESENTENCING.—

22 “(1) IN GENERAL.—Notwithstanding any provi-
23 sion of law that would bar a motion under this para-
24 graph as untimely, if DNA test results obtained
25 under this section exclude the applicant as the

1 source of the DNA evidence, the applicant may file
2 a petition for a new trial or resentencing, as appro-
3 priate.

4 “(2) STANDARD FOR GRANTING MOTION FOR
5 NEW TRIAL OR RESENTENCING.—The applicant’s pe-
6 tition for a new trial or resentencing, as appropriate,
7 shall be granted if the DNA test results, when con-
8 sidered with all other evidence in the case (regard-
9 less of whether such evidence was introduced at
10 trial), establish by compelling evidence that a new
11 trial would result in the acquittal of the applicant.

12 “(i) RELATIONSHIP TO OTHER LAWS.—

13 “(1) POST-CONVICTION RELIEF.—Nothing in
14 this section shall affect the circumstances under
15 which a person may obtain DNA testing or post-con-
16 viction relief under any other provision of law.

17 “(2) HABEAS CORPUS.—Nothing in this section
18 shall provide a basis for relief in any Federal habeas
19 corpus proceeding.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such subchapter is amended by insert-
22 ing after the item relating to section 873 (article 73) the
23 following new item:

“873a. 73a. Petition for DNA testing.”.

24 **SEC. 525. PUNITIVE ARTICLE ON VIOLENT EXTREMISM.**

25 (a) VIOLENT EXTREMISM.—

1 (1) IN GENERAL.—Subchapter X of chapter 47
2 of title 10, United States Code, is amended by in-
3 sserting after section 916 (article 116 of the Uniform
4 Code of Military Justice) the following new section
5 (article):

6 **“§ 916a. Art. 116a. violent extremism**

7 “(a) PROHIBITION.—Any person subject to this chap-
8 ter who—

9 “(1) knowingly commits a covered offense
10 against—

11 “(A) the Government of the United States;

12 or

13 “(B) any person or class of people;

14 “(2)(A) with the intent to intimidate or coerce
15 any person or class of people; or

16 “(B) with the intent to influence, affect, or re-
17 taliate against the policy or conduct of the Govern-
18 ment of the United States or any State; and

19 “(3) does so—

20 “(A) to achieve political, ideological, reli-
21 gious, social, or economic goals; or

22 “(B) in the case of an act against a person
23 or class of people, for reasons relating to the
24 race, religion, color, ethnicity, sex, age, dis-
25 ability status, national origin, sexual orienta-

1 tion, or gender identity of the person or class
2 of people concerned;
3 is guilty of violent extremism and shall be punished
4 as a court-martial may direct.

5 “(b) ATTEMPTS, SOLICITATION, AND CONSPIRACY.—
6 Any person who attempts, solicits, or conspires to commit
7 an offense under this section shall be punished in the same
8 manner as a person who completes the offense.

9 “(c) DEFINITIONS.—In this section:

10 “(1) COVERED OFFENSE.—The term ‘covered
11 offense’ means—

12 “(A) loss, damage, destruction, or wrongful
13 disposition of military property of the United
14 States, in violation of section 908 of this title
15 (article 108);

16 “(B) waste, spoilage, or destruction of
17 property other than military property of the
18 United States, in violation of section 909 of this
19 title (article 109);

20 “(C) communicating threats, in violation of
21 section 915 of this title (article 115);

22 “(D) riot or breach of peace, in violation of
23 section 916 of this title (article 116);

24 “(E) provoking speech or gestures, in vio-
25 lation of section 917 of this title (article 117);

1 “(F) murder, in violation of section 918 of
2 this title (article 118);

3 “(G) manslaughter, in violation of section
4 919 of this title (article 119);

5 “(H) larceny or wrongful appropriation, in
6 violation of section 921 of this title (article
7 121);

8 “(I) robbery, in violation of section 922 of
9 this title (article 122);

10 “(J) kidnapping, in violation of section
11 925 of this title (article 125);

12 “(K) assault, in violation of section 928 of
13 this title (article 128);

14 “(L) conspiracy to commit an offense spec-
15 ified in any of subparagraphs (A) through (K),
16 as punishable under section 881 of this title
17 (article 81);

18 “(M) solicitation to commit an offense
19 specified in any of subparagraphs (A) through
20 (K), as punishable under section 882 of this
21 title (article 82); or

22 “(N) an attempt to commit an offense
23 specified in any of subparagraphs (A) through
24 (K), as punishable under section 880 of this
25 title (article 80).

1 “(2) STATE.—The term ‘State’ includes any
2 State of the United States, the District of Columbia,
3 the Commonwealth of Puerto Rico, and any other
4 possession or territory of the United States.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of such subchapter is amend-
7 ed by inserting after the item relating to section 916
8 (article 116) the following new item:

 “916a. 116a. Violent extremism.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on the date of the enact-
11 ment of this Act and shall apply to offenses committed
12 on or after such date.

13 **SEC. 526. CLARIFICATIONS OF PROCEDURE IN INVESTIGA-**
14 **TIONS OF PERSONNEL ACTIONS TAKEN**
15 **AGAINST MEMBERS OF THE ARMED FORCES**
16 **IN RETALIATION FOR PROTECTED COMMU-**
17 **NICATIONS.**

18 (a) IN GENERAL.—Subparagraphs (D) and (E) of
19 paragraph (4) of section 1034(c) of title 10, United States
20 Code, are amended to read as follows:

21 “(D)(i) Upon determining that an investigation of an
22 allegation under paragraph (1) is warranted, the Inspector
23 General making the determination shall expeditiously in-
24 vestigate the allegation to determine whether the protected
25 communication or activity under subsection (b) was a con-

1 tributing factor in the personnel action prohibited under
2 subsection (b) that was taken or withheld (or threatened
3 to be taken or withheld) against a member of the armed
4 forces.

5 “(ii) In the case of a determination made by the In-
6 spector General of the Department of Defense, that In-
7 spector General may delegate responsibility for the inves-
8 tigation to an appropriate Inspector General of a military
9 department.

10 “(iii) The member alleging the prohibited personnel
11 action may use circumstantial evidence to demonstrate
12 that the protected communication or activity under sub-
13 section (b) was a contributing factor in the personnel ac-
14 tion prohibited under subsection (b). Such circumstantial
15 evidence may include that the person taking such prohib-
16 ited personnel action knew of the protected communication
17 or activity, and that the prohibited personnel action oc-
18 curred within a period of time such that a reasonable per-
19 son could conclude that the communication or protected
20 activity was a contributing factor in the personnel action.

21 “(iv) If the Inspector General determines it likelier
22 than not that the member made a communication or par-
23 ticipated in an activity protected under subsection (b) that
24 was a contributing factor in a personnel action described
25 in such subsection, the Inspector General shall presume

1 such personnel action to be prohibited under such sub-
2 section unless the Inspector General determines there is
3 clear and convincing evidence that the same personnel ac-
4 tion would have occurred in the absence of such protected
5 communication or activity.

6 “(E) If the Inspector General preliminarily deter-
7 mines in an investigation under subparagraph (D) that a
8 personnel action prohibited under subsection (b) has oc-
9 curred and that such personnel action shall result in an
10 immediate hardship to the member alleging the personnel
11 action, the Inspector General shall promptly notify the
12 Secretary of the military department concerned or the Sec-
13 retary of Homeland Security, as applicable, of the hard-
14 ship, and such Secretary shall take such action as such
15 Secretary determines appropriate.”.

16 (b) TECHNICAL AMENDMENTS.—Such paragraph is
17 further amended in subparagraphs (A) and (B) by striking
18 “subsection (h)” both places it appears and inserting
19 “subsection (i)”.

20 **SEC. 527. ACTIVITIES TO IMPROVE FAMILY VIOLENCE PRE-**
21 **VENTION AND RESPONSE.**

22 (a) DELEGATION OF AUTHORITY TO AUTHORIZE EX-
23 CEPTIONAL ELIGIBILITY FOR CERTAIN BENEFITS.—
24 Paragraph (4) of section 1059(m) of title 10, United
25 States Code, is amended to read as follows:

1 “(4)(A) Except as provided in subparagraph (B), the
2 authority of the Secretary concerned under paragraph (1)
3 may not be delegated.

4 “(B) During the two year period following the date
5 of the enactment of the National Defense Authorization
6 Act for Fiscal Year 2022, the authority of the Secretary
7 concerned under paragraph (1) may be delegated to an
8 official at the Assistant Secretary-level or above. Any exer-
9 cise of such delegated authority shall be reported to the
10 Secretary concerned on a quarterly basis.”.

11 (b) EXTENSION OF REQUIREMENT FOR ANNUAL
12 FAMILY ADVOCACY PROGRAM REPORT REGARDING
13 CHILD ABUSE AND DOMESTIC VIOLENCE.—Section
14 574(a) of the National Defense Authorization Act for Fis-
15 cal Year 2017 (Public Law 114–328; 130 Stat. 2141) is
16 amended by striking “April 30, 2021” and inserting
17 “April 30, 2026”.

18 (c) IMPLEMENTATION OF COMPTROLLER GENERAL
19 RECOMMENDATIONS.—

20 (1) IN GENERAL.—Consistent with the rec-
21 ommendations set forth in the report of the Comp-
22 troller General of the United States titled “Domestic
23 Abuse: Actions Needed to Enhance DOD’s Preven-
24 tion, Response, and Oversight” (GAO–21–289), the
25 Secretary of Defense, in consultation with the Secre-

1 taries of the military departments, shall carry out
2 the activities specified in subparagraphs (A) through
3 (K).

4 (A) DOMESTIC ABUSE DATA.—Not later
5 than 180 days after the date of the enactment
6 of this Act, the Secretary of Defense, in con-
7 sultation with the Secretaries of the military de-
8 partments, shall carry out each of the following:

9 (i) Issue guidance to the Secretaries
10 of the military departments to clarify and
11 standardize the process for collecting and
12 reporting data on domestic abuse in the
13 Armed Forces, including—

14 (I) data on the numbers and
15 types of domestic abuse and domestic
16 violence incidents involving members
17 of the Armed Forces;

18 (II) the information required to
19 be reported to the database on domes-
20 tic violence incidents under section
21 1562 of title 10, United States Code;
22 and

23 (III) data for inclusion in the re-
24 ports regarding child abuse and do-
25 mestic violence required to be sub-

1 mitted under section 574 of the Na-
2 tional Defense Authorization Act for
3 Fiscal Year 2017 (Public Law 114-
4 328; 130 Stat. 2141).

5 (ii) Develop a quality control process
6 to ensure the accurate and complete re-
7 porting of data on allegations of abuse in-
8 volving a member of the Armed Forces, in-
9 cluding allegations of abuse that do not
10 meet the Department of Defense definition
11 of domestic abuse.

12 (iii) Expand the scope of any report-
13 ing to Congress that includes data on do-
14 mestic abuse in the Armed Forces to in-
15 clude data on and analysis of the types of
16 allegations of domestic abuse.

17 (B) DOMESTIC VIOLENCE AND COMMAND
18 ACTION DATA.—Not later than 180 days after
19 the date of the enactment of this Act, the Sec-
20 retary of Defense, in consultation with the Sec-
21 retaries of the military departments, shall—

22 (i) evaluate the organizations and ele-
23 ments of the Department of Defense that
24 are responsible for tracking domestic vio-
25 lence incidents and the command actions

1 taken in response to such incidents to de-
2 termine if there are actions that may be
3 carried out to—

4 (I) eliminate gaps and
5 redundancies in the activities of such
6 organizations;

7 (II) ensure consistency in the ap-
8 proaches of such organizations to the
9 tracking of such incidents and actions;
10 and

11 (III) otherwise improve the
12 tracking of such incidents and actions
13 across the Department; and

14 (ii) based on the evaluation under
15 clause (i), clarify or adjust—

16 (I) the duties of such organiza-
17 tions and elements; and

18 (II) the manner in which such or-
19 ganizations and elements coordinate
20 their activities.

21 (C) REGULATIONS FOR VIOLATION OF CI-
22 VILIAN ORDERS OF PROTECTION.—The Sec-
23 retary of Defense shall revise or issue regula-
24 tions (as applicable) to ensure that each Sec-
25 retary of a military department provides, to any

1 member of the Armed Forces under the juris-
2 diction of such Secretary who is subject to a ci-
3 vilian order of protection, notice that the viola-
4 tion of such order may be punishable under
5 chapter 47 of title 10, United States Code (the
6 Uniform Code of Military Justice).

7 (D) AGREEMENTS WITH CIVILIAN VICTIM
8 SERVICE ORGANIZATIONS.—

9 (i) GUIDANCE REQUIRED.—The Sec-
10 retary of Defense, in consultation with the
11 Secretaries of the military departments,
12 shall issue guidance pursuant to which per-
13 sonnel of a Family Advocacy Program at a
14 military installation may enter into memo-
15 randa of understanding with qualified civil-
16 ian victim service organizations for pur-
17 poses of providing services to victims of do-
18 mestic abuse in accordance with clause (ii).

19 (ii) CONTENTS OF AGREEMENT.—A
20 memorandum of understanding entered
21 into under clause (i) shall provide that per-
22 sonnel of a Family Advocacy Program at a
23 military installation may refer a victim of
24 domestic abuse to a qualified civilian vic-

1 tim service organization if such personnel
2 determine that—

3 (I) the services offered at the in-
4 stallation are insufficient to meet the
5 victim’s needs; or

6 (II) such a referral would other-
7 wise benefit the victim.

8 (E) SCREENING AND REPORTING OF INI-
9 TIAL ALLEGATIONS.—The Secretary of Defense,
10 in consultation with the Secretaries of the mili-
11 tary departments, shall develop and implement
12 a standardized process—

13 (i) to ensure consistency in the man-
14 ner in which allegations of domestic abuse
15 are screened and documented at military
16 installations, including by ensuring that al-
17 legations of domestic abuse are docu-
18 mented regardless of the severity of the in-
19 cident;

20 (ii) that uses a risk-based approach to
21 consistently identify, from among such al-
22 legations of domestic abuse, the allegations
23 that should be presented to an Incident
24 Determination Committee; and

1 (iii) to ensure consistency in the form
2 and manner in which such allegations are
3 presented to Incident Determination Com-
4 mittees.

5 (F) IMPLEMENTATION AND OVERSIGHT OF
6 INCIDENT DETERMINATION COMMITTEES.—

7 (i) IMPLEMENTATION.—The Secretary
8 of Defense, in consultation with the Secre-
9 taries of the military departments, shall
10 ensure that Incident Determination Com-
11 mittees are fully implemented within each
12 Armed Force.

13 (ii) OVERSIGHT AND MONITORING.—
14 The Secretary of Defense shall—

15 (I) direct the Under Secretary of
16 Defense for Personnel and Readiness
17 to conduct oversight of the activities
18 of the Incident Determination Com-
19 mittees of the Armed Forces on an
20 ongoing basis; and

21 (II) establish a formal process
22 through which the Under Secretary
23 will monitor Incident Determination
24 Committees to ensure that the activi-
25 ties of such Committees are conducted

1 in an consistent manner in accordance
2 with the applicable policies of the De-
3 partment of Defense and the Armed
4 Forces.

5 (G) REASONABLE SUSPICION STANDARD
6 FOR INCIDENT REPORTING.—Not later than 90
7 days after the date of the enactment of the Act,
8 the Secretary of Defense, in consultation with
9 the Secretaries of the military departments,
10 shall issue regulations—

11 (i) under which the personnel of a
12 Family Advocacy Program shall be re-
13 quired to report an allegation of domestic
14 abuse to an Incident Determination Com-
15 mittee if there is reasonable suspicion that
16 the abuse occurred; and

17 (ii) that fully define and establish
18 standardized criteria for determining
19 whether an allegation of abuse meets the
20 reasonable suspicion standard referred to
21 in clause (i).

22 (H) GUIDANCE FOR VICTIM RISK ASSESS-
23 MENT.—The Secretary of Defense, in consulta-
24 tion with the Secretaries of the military depart-
25 ments, shall issue guidance that—

1 (i) identifies the risk assessment tools
2 that must be used by Family Advocacy
3 Program personnel to assess reports of do-
4 mestic abuse; and

5 (ii) establishes minimum qualifications
6 for the personnel responsible for using
7 such tools.

8 (I) IMPROVING FAMILY ADVOCACY PRO-
9 GRAM AWARENESS CAMPAIGNS.—The Secretary
10 of Defense, in consultation with the Secretaries
11 of the military departments, shall develop and
12 implement—

13 (i) a communications strategy to sup-
14 port the Armed Forces in increasing
15 awareness of the options and resources
16 available for reporting incidents of domes-
17 tic abuse; and

18 (ii) metrics to evaluate the effective-
19 ness of domestic abuse awareness cam-
20 paigns within the Department of Defense
21 and the Armed Forces, including by identi-
22 fying a target audience and defining meas-
23 urable objectives for such campaigns.

24 (J) ASSESSMENT OF THE DISPOSITION
25 MODEL FOR DOMESTIC VIOLENCE.—As part of

1 the independent analysis required by section
2 549C of the William M. (Mac) Thornberry Na-
3 tional Defense Authorization Act for Fiscal
4 Year 2021 (Public Law 116–283) the Secretary
5 of Defense shall include an assessment of—

6 (i) the risks and consequences of the
7 disposition model for domestic violence in
8 effect as of the date of the enactment of
9 this Act, including the risks and con-
10 sequences of such model with respect to—

11 (I) the eligibility of victims for
12 transitional compensation and other
13 benefits; and

14 (II) the eligibility of perpetrators
15 of domestic violence to possess fire-
16 arms and any related effects on the
17 military service of such individuals;
18 and

19 (ii) the feasibility and advisability es-
20 tablishing alternative disposition models
21 for domestic violence, including an assess-
22 ment of the advantages and disadvantages
23 of each proposed model.

24 (K) FAMILY ADVOCACY PROGRAM TRAIN-
25 ING.—

1 (i) TRAINING FOR COMMANDERS AND
2 SENIOR ENLISTED ADVISORS.—The Sec-
3 retary of Defense, in consultation with the
4 Secretaries of the military departments,
5 shall—

6 (I) ensure that the Family Advo-
7 cacy Program training provided to in-
8 stallation-level commanders and senior
9 enlisted advisors of the Armed Forces
10 meets the applicable requirements of
11 the Department of Defense; and

12 (II) shall provide such additional
13 guidance and sample training mate-
14 rials as may be necessary to improve
15 the consistency of such training.

16 (ii) TRAINING FOR CHAPLAINS.—The
17 Secretary of Defense shall—

18 (I) require that chaplains of the
19 Armed Forces receive Family Advo-
20 cacy Program training;

21 (II) establish content require-
22 ments and learning objectives for such
23 training; and

24 (III) provide such additional
25 guidance and sample training mate-

1 rials as may be necessary to effec-
2 tively implement such training.

3 (iii) TRAINING COMPLETION DATA.—

4 The Secretary of Defense, in consultation
5 with the Secretaries of the military depart-
6 ments, shall develop a process to ensure
7 the quality and completeness of data indi-
8 cating whether members of the Armed
9 Forces who are required to complete Fam-
10 ily Advocacy Program training, including
11 installation-level commanders and senior
12 enlisted advisors, have completed such
13 training.

14 (2) GENERAL IMPLEMENTATION DATE.—Except
15 as otherwise provided in paragraph (1), the Sec-
16 retary of Defense shall complete the implementation
17 of the activities specified in such paragraph by not
18 later than one year after the date of the enactment
19 of this Act.

20 (3) QUARTERLY STATUS REPORT.—Not later
21 than 90 days after the date of the enactment of this
22 Act and on a quarterly basis thereafter until the
23 date on which all of the activities specified in para-
24 graph (1) have been implemented, the Secretary of
25 Defense shall submit to the appropriate congres-

1 sional committees a report on the status of the im-
2 plementation of such activities.

3 (d) IMPROVING AWARENESS REGARDING FAMILY
4 ADVOCACY PROGRAMS AND OTHER SIMILAR SERVICES.—

5 (1) PILOT PROGRAM ON INFORMATION FOR
6 FAMILIES ENROLLING IN DEERS.—The Secretary of
7 Defense shall carry out a pilot program to assess the
8 feasibility and advisability of various mechanisms to
9 inform military families about the Family Advocacy
10 Programs and resiliency training of the Armed
11 Forces during their enrollment in the Defense En-
12 rollment Eligibility Reporting System. The matters
13 assessed by the pilot program shall include the fol-
14 lowing:

15 (A) An option for training members of
16 military families on the Family Advocacy Pro-
17 grams.

18 (B) Mechanisms for providing such family
19 members with information on—

20 (i) the resources available through the
21 Family Advocacy Programs of the Armed
22 Forces;

23 (ii) the Military OneSource program
24 of the Department of Defense;

1 (iii) resources relating to domestic
2 abuse and child abuse and neglect that are
3 available through local community service
4 organizations; and

5 (iv) the availability of the Military and
6 Family Life Counseling Program.

7 (C) Steps that may be taken to better in-
8 form such family members of the option to
9 make a restricted report or an unrestricted re-
10 port to a Family Advocacy Program, including
11 information on the difference between such re-
12 ports.

13 (2) INFORMATION ON SERVICES FOR MILITARY
14 FAMILIES.—Each Secretary of a military department
15 shall ensure that a military family member who re-
16 ports an incident of domestic abuse or child abuse
17 and neglect to a Family Advocacy Program under
18 the jurisdiction of such Secretary receives com-
19 prehensive information, in a clear and easily under-
20 standable format, on the services available to such
21 family member in connection with such incident.
22 Such information shall include a complete guide to
23 the following:

24 (A) The Family Advocacy Program of the
25 Armed Force or military department concerned.

1 (B) Military law enforcement services, in-
2 cluding an explanation of the process that fol-
3 lows a report of an incident of domestic abuse
4 or child abuse or neglect.

5 (C) Other applicable victim services.

6 (e) REPORTS ON STAFFING LEVELS FOR FAMILY AD-
7 VOCACY PROGRAMS.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date on which the staffing tool described
10 in paragraph (2) becomes operational, and on an an-
11 nual basis thereafter for the following five years, the
12 Secretary of Defense shall submit to the appropriate
13 congressional committees a report setting forth the
14 following:

15 (A) Military, civilian, and contract support
16 staffing levels for the Family Advocacy Pro-
17 grams of the Armed Forces at each military in-
18 stallation so staffed as of the date of the report.

19 (B) Recommendations for ideal staffing
20 levels for the Family Advocacy Programs, as
21 identified by the staffing tool.

22 (2) STAFFING TOOL DESCRIBED.—The staffing
23 tool described in this paragraph is a tool that—

24 (A) is under development as of the date of
25 the enactment of this Act pursuant to an agree-

1 ment between the Department of Defense and
2 Pennsylvania State University; and

3 (B) will be used to assist the Department
4 in determining adequate staffing levels for
5 Family Advocacy Programs.

6 (3) COMPTROLLER GENERAL REVIEW.—

7 (A) IN GENERAL.—Following the submis-
8 sion of the first annual report required under
9 paragraph (1), the Comptroller General of the
10 United States shall conduct a review of the
11 staffing of the Family Advocacy Programs of
12 the Armed Forces.

13 (B) ELEMENTS.—The review conducted
14 under subparagraph (A) shall include an assess-
15 ment of each of the following:

16 (i) The extent to which the Armed
17 Forces have filled authorized billets for
18 Family Advocacy program manager, clini-
19 cian, and victim advocate positions.

20 (ii) The extent to which the Armed
21 Forces have experienced challenges filling
22 authorized Family Advocacy Program posi-
23 tions, and how such challenges, if any,
24 have affected the provision of services.

1 (iii) The extent to which the Depart-
2 ment of Defense and Armed Forces have
3 ensured that Family Advocacy Program
4 clinicians and victim advocates meet quali-
5 fication and training requirements.

6 (iv) The extent to which the Depart-
7 ment of Defense has established metrics to
8 evaluate the effectiveness of the staffing
9 tool described in paragraph (2).

10 (C) BRIEFING AND REPORT.—

11 (i) BRIEFING.—Not later than one
12 year following the submission of the first
13 annual report required under paragraph
14 (1), the Comptroller General shall provide
15 to the Committees on Armed Services of
16 the Senate and the House of Representa-
17 tives a briefing on the preliminary observa-
18 tions made by the Comptroller General as
19 part of the review required under subpara-
20 graph (A).

21 (ii) REPORT.—Not later than 90 days
22 after the date of the briefing under clause
23 (i), the Comptroller General shall submit
24 to the Committees on Armed Services of
25 the Senate and the House of Representa-

1 tives a report on the results of the review
2 conducted under subparagraph (A).

3 (f) STUDY AND REPORT ON INITIAL ENTRY
4 POINTS.—

5 (1) STUDY.—The Secretary of Defense shall
6 conduct a study to identify initial entry points (in-
7 cluding anonymous entry points) through which mili-
8 tary family members may seek information or sup-
9 port relating to domestic abuse or child abuse and
10 neglect. Such study shall include an assessment of—

11 (A) points at which military families inter-
12 act with the Armed Forces or the Department
13 of Defense through which such information or
14 support may be provided to family members, in-
15 cluding points such as enrollment in the De-
16 fense Enrollment Eligibility Reporting System,
17 and the issuance of identification cards; and

18 (B) other existing and potential routes
19 through which such family members may seek
20 information or support from the Armed Forces
21 or the Department, including online chat rooms,
22 text-based support capabilities, and software
23 applications for smartphones.

24 (2) REPORT.—Not later than one year after the
25 date of the enactment of this Act, the Secretary of

1 Defense shall submit to the Committees on Armed
2 Services of the Senate and the House of Representa-
3 tives a report setting forth the results of the study
4 conducted under paragraph (1).

5 (g) INSPECTOR GENERAL REPORT.—Not later than
6 120 days after the date of the enactment of this Act, the
7 Inspector General of the Department of Defense shall sub-
8 mit to the Secretary of Defense and to the Committees
9 on Armed Services of the Senate and the House of Rep-
10 resentatives a report that—

11 (1) evaluates the progress of the Secretary of
12 Defense in carrying out this section; and

13 (2) identifies any actions the Secretary is tak-
14 ing improve the practices of military installations
15 with respect to the prevention and response to do-
16 mestic abuse and child abuse and neglect among
17 military families.

18 (h) DEFINITIONS.—In this section:

19 (1) The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Armed Services and
22 the Committee on Commerce, Science, and
23 Transportation of the Senate; and

1 (B) the Committee on Armed Services and
2 the Committee on Transportation and Infra-
3 structure of the House of Representatives.

4 (2) The term “civilian order of protection” has
5 the meaning given that term in section 1561a of
6 title 10, United States Code.

7 (3) The term “disposition model for domestic
8 violence” means the process to determine—

9 (A) the disposition of charges of an offense
10 of domestic violence under section 928b of title
11 10, United States Code (article 128b of the
12 Uniform Code of Military Justice); and

13 (B) consequences of such disposition for
14 members of the Armed Forces determined to
15 have committed such offense and the victims of
16 such offense.

17 (4) The term “Incident Determination Com-
18 mittee” means a committee established at a military
19 installation that is responsible for reviewing reported
20 incidents of domestic abuse and determining whether
21 such incidents constitute harm to the victims of such
22 abuse according to the applicable criteria of the De-
23 partment of Defense.

1 (5) The term “qualified civilian victim service
2 organization” means an organization outside the De-
3 partment of Defense that—

4 (A) is approved by the Secretary of De-
5 fense for the purpose of providing legal or other
6 services to victims of domestic abuse; and

7 (B) is located in a community surrounding
8 a military installation.

9 (6) The term “risk assessment tool” means a
10 process or technology that may be used to evaluate
11 a report of an incident of domestic abuse to deter-
12 mine the likelihood that the abuse will escalate or
13 recur.

14 **SEC. 528. MANDATORY NOTIFICATION OF MEMBERS OF**
15 **THE ARMED FORCES IDENTIFIED IN CERTAIN**
16 **RECORDS OF CRIMINAL INVESTIGATIONS.**

17 (a) IN GENERAL.—Chapter 80 of title 10, United
18 States Code, is amended by adding at the end the fol-
19 lowing new section:

20 **“§ 1567b. Mandatory notification of members of the**
21 **armed forces and reserve components**
22 **identified in certain records of criminal**
23 **investigations**

24 “(a) NOTIFICATION OF INCLUSION MCIO
25 RECORDS.—As soon as practicable after the conclusion of

1 a criminal investigation by a military criminal investiga-
2 tive organization, the head of such organization shall pro-
3 vide, to any member or former member of the armed
4 forces and reserve components who is designated in the
5 records of the organization as a subject of such investiga-
6 tion, written notice of such designation.

7 “(b) INITIAL NOTIFICATION OF PREVIOUS INCLU-
8 SION IN MCIO RECORDS.—Not later than 180 days after
9 the date of the enactment of this section, the head of each
10 military criminal investigative organization shall provide,
11 to any member or former member of the armed forces and
12 reserve components who is designated in the records of
13 the organization as a subject of a criminal investigation
14 that is closed as of such date, written notice of such des-
15 ignation.

16 “(c) CONTENTS OF NOTICE.—Each notice provided
17 under subsection (a) and (b) shall include the following
18 information—

19 “(1) The date on which the member was des-
20 igned as a subject of a criminal investigation in
21 the records of the military criminal investigative or-
22 ganization.

23 “(2) Identification of each crime for which the
24 member was investigated, including a citation to
25 each provision of chapter 47 of this title (the Uni-

1 form Code of Military Justice) that the member was
2 suspected of violating, if applicable.

3 “(3) Instructions on how the member may seek
4 removal of the record in accordance with subsection
5 (d).

6 “(d) REMOVAL OF RECORD.—The Secretary of De-
7 fense shall—

8 “(1) establish a process through which a mem-
9 ber of the armed forces and reserve components who
10 receives a notice under subsection (a) or (b) may re-
11 quest the removal of the record that is the subject
12 of such notice; and

13 “(2) issue uniform guidance, applicable to all
14 military criminal investigative organizations, speci-
15 fying the conditions under which such a record may
16 be removed.

17 “(e) MILITARY CRIMINAL INVESTIGATIVE ORGANIZA-
18 TION DEFINED.—In this section, the term ‘military crimi-
19 nal investigative organization’ means any organization or
20 element of the Department of Defense or an armed force
21 that is responsible for conducting criminal investigations,
22 including—

23 “(1) the Army Criminal Investigation Com-
24 mand;

25 “(2) the Naval Criminal Investigative Service;

1 “(3) the Air Force Office of Special Investiga-
2 tions;

3 “(4) the Coast Guard Investigative Service; and

4 “(5) the Defense Criminal Investigative Serv-
5 ice.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by adding
8 at the end the following new item:

“1567b. Mandatory notification of members of the armed forces and reserve
components identified in certain records of criminal investiga-
tions.”.

9 **SEC. 529. AUTHORITY OF MILITARY JUDGES AND MILITARY**
10 **MAGISTRATES TO ISSUE MILITARY COURT**
11 **PROTECTIVE ORDERS.**

12 (a) JUDGE-ISSUED MILITARY COURT PROTECTIVE
13 ORDERS.—Chapter 80 of title 10, United States Code, is
14 amended by adding at the end the following new section:

15 **“§ 1567b. Authority of military judges and military**
16 **magistrates to issue military court pro-**
17 **TECTIVE ORDERS**

18 “(a) AUTHORITY TO ISSUE MILITARY COURT PRO-
19 TECTIVE ORDERS.—The President shall prescribe regula-
20 tions authorizing military judges and military magistrates
21 to issue protective orders in accordance with this section.
22 A protective order issued in accordance with this section
23 shall be known as a ‘military court protective order’.
24 Under the regulations prescribed by the President, mili-

1 tary judges and military magistrates shall have exclusive
2 jurisdiction over the issuance, appeal, renewal, and termi-
3 nation of military court protective orders and such orders
4 may not be issued, appealed, renewed, or terminated by
5 State, local, territorial, or tribal courts.

6 “(b) ENFORCEMENT BY CIVILIAN AUTHORITIES.—

7 “(1) IN GENERAL.—In prescribing regulations
8 for military court protective orders, the President
9 shall seek to ensure that the protective orders are
10 issued in a form and manner that is enforceable by
11 State, local, territorial, and tribal civilian law en-
12 forcement authorities.

13 “(2) FULL FAITH AND CREDIT.—Any military
14 court protective order shall be accorded full faith
15 and credit by the court of a State, local, territorial,
16 or tribal jurisdiction (the enforcing jurisdiction) and
17 enforced by the court and law enforcement personnel
18 of that jurisdiction as if it were the order of the en-
19 forcing jurisdiction.

20 “(3) RECIPROCITY AGREEMENTS.—Consistent
21 with paragraphs (1) and (2), the Secretary of De-
22 fense shall seek to enter into reciprocity agreements
23 with State, local, territorial, and tribal civilian law
24 enforcement authorities under which—

1 “(A) such authorities agree to enforce mili-
2 tary court protective orders; and

3 “(B) the Secretary agrees to enforce pro-
4 tective orders issued by such authorities that
5 are consistent with section 2265(b) of title 18.

6 “(c) PURPOSE AND FORM OF ISSUANCE.—A military
7 court protective order—

8 “(1) may be issued for the purpose of pro-
9 tecting a victim of an alleged covered offense, or a
10 family member or associate of the victim, from a
11 person subject to chapter 47 of this title (the Uni-
12 form Code of Military Justice) who is alleged to
13 have committed such an offense; and

14 “(2) shall include—

15 “(A) a finding regarding whether such per-
16 son represents a credible threat to the physical
17 safety of such alleged victim;

18 “(B) a finding regarding whether the al-
19 leged victim is an intimate partner or child of
20 such person; and

21 “(C) if applicable, terms explicitly prohib-
22 iting the use, attempted use, or threatened use
23 of physical force that would reasonably be ex-
24 pected to cause bodily injury against such inti-
25 mate partner or child.

1 “(d) BURDEN OF PROOF.—In determining whether
2 to issue a military court protective order, a military judge
3 or military magistrate shall make all relevant findings by
4 a preponderance of the evidence. The burden shall be on
5 the party requesting the order to produce sufficient infor-
6 mation to satisfy the preponderance of the evidence stand-
7 ard referred to in the preceding sentence.

8 “(e) TIMING AND MANNER OF ISSUANCE.—A mili-
9 tary court protective order may be issued—

10 “(1) by a military magistrate, before referral of
11 charges and specifications to court-martial for trial,
12 at the request of—

13 “(A) a victim of an alleged covered offense;

14 or

15 “(B) a Special Victims’ Counsel or other
16 qualified counsel acting on behalf of the victim;

17 or

18 “(2) by a military judge, after referral of
19 charges and specifications to court-martial for trial,
20 at the request of qualified counsel, which may in-
21 clude a Special Victims’ Counsel acting on behalf of
22 the victim or trial counsel acting on behalf of the
23 prosecution.

24 “(f) DURATION AND RENEWAL OF PROTECTIVE
25 ORDER.—

1 “(1) DURATION.—A military court protective
2 order shall be issued for an initial period of up to
3 180 days and may be reissued for one or more addi-
4 tional periods, each of which may be up to 180 days,
5 in accordance with paragraph (2).

6 “(2) EXPIRATION AND RENEWAL.—Before the
7 expiration of any period during which a military
8 court protective order is in effect, a military judge
9 or military magistrate shall review the order to de-
10 termine whether the order will terminate at the expi-
11 ration of such period or be reissued for an additional
12 period of up to 180 days.

13 “(3) NOTICE TO PROTECTED PERSONS.—If a
14 military judge or military magistrate determines
15 under paragraph (2) that a military court protective
16 order will terminate, the judge or magistrate con-
17 cerned shall direct that each person protected by the
18 order be provided with reasonable, timely, and accu-
19 rate notification of the termination.

20 “(g) REVIEW OF MAGISTRATE-ISSUED ORDERS.—

21 “(1) REVIEW.—A military judge, at the request
22 of the person subject to a military court protective
23 order that was issued by a military magistrate, may
24 review the order to determine if the order was prop-
25 erly issued by the magistrate.

1 “(2) STANDARDS OF REVIEW.—A military
2 judge who reviews an order under paragraph (1)
3 shall terminate the order if the judge determines
4 that—

5 “(A) the military magistrate’s decision to
6 issue the order was an abuse of discretion, and
7 there is not sufficient information presented to
8 the military judge to justify the order; or

9 “(B) information not presented to the mili-
10 tary magistrate establishes that the military
11 court protective order should be terminated.

12 “(h) DUE PROCESS.—

13 “(1) PROTECTION OF DUE PROCESS.—Except
14 as provided in paragraph (2), a protective order au-
15 thorized under subsection (a) may be issued only
16 after reasonable notice and opportunity to be heard
17 and to present evidence, directly or through counsel,
18 is given to the person against whom the order is
19 sought sufficient to protect that person’s right to
20 due process.

21 “(2) EMERGENCY ORDERS.—A protective order
22 on an emergency basis may be issued on an ex parte
23 basis under such rules and limitations as the Presi-
24 dent shall prescribe. In the case of ex parte orders,
25 notice and opportunity to be heard and to present

1 evidence must be provided within a reasonable time
2 not to exceed 30 calendar days after the date on
3 which the order is issued, sufficient to protect the
4 respondent's due process rights.

5 “(i) RIGHTS OF VICTIM.—The victim of an alleged
6 covered offense who seeks a military court protective order
7 has, in addition to any rights provided under section 806b
8 (article 6b), the following rights with respect to any pro-
9 ceeding involving the protective order:

10 “(1) The right to reasonable, accurate, and
11 timely notice of the proceeding and of any change in
12 the status of the protective order resulting from the
13 proceeding.

14 “(2) The right to be reasonably heard at the
15 proceeding.

16 “(3) The right to appear in person, with or
17 without counsel, at the proceeding.

18 “(4) The right be represented by qualified
19 counsel in connection with the proceeding, which
20 may include a Special Victims' Counsel.

21 “(5) The reasonable right to confer with a rep-
22 resentative of the command of the accused and
23 counsel representing the government at the pro-
24 ceeding, as applicable.

1 “(6) The right to submit a written statement,
2 directly or through counsel, for consideration by the
3 military judge or military magistrate presiding over
4 the proceeding.

5 “(j) RESTRICTIONS ON ACCESS TO FIREARMS.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of law—

8 “(A) a military court protective order
9 issued on an ex parte basis shall restrain a per-
10 son from possessing, receiving, or otherwise ac-
11 cessing a firearm; and

12 “(B) a military court protective order
13 issued after the person to be subject to the
14 order has received notice and opportunity to be
15 heard on the order, shall restrain such person
16 from possessing, receiving, or otherwise access-
17 ing a firearm in accordance with section 922 of
18 title 18.

19 “(2) NOTICE TO ATTORNEYS GENERAL.—

20 “(A) NOTICE OF ISSUANCE.—Not later
21 than 72 hours after the issuance of an order
22 described in paragraph (1), the Secretary con-
23 cerned shall submit a record of the order—

24 “(i) to the Attorney General of the
25 United States; and

1 “(ii) to the Attorney General of the
2 State or Territory in which the order is
3 issued.

4 “(B) NOTICE OF RECISSION OR EXPIRA-
5 TION.—Not later than 72 hours after the
6 recession or expiration of an order described in
7 paragraph (1), the Secretary concerned shall
8 submit notice of such recession or expiration to
9 the Attorneys General specified in subpara-
10 graph (A).

11 “(k) TREATMENT AS LAWFUL ORDER.—A military
12 court protective order shall be treated as a lawful order
13 for purposes of the application of section 892 (article 92)
14 and a violation of such an order shall be punishable under
15 such section (article).

16 “(l) COMMAND MATTERS.—

17 “(1) INCLUSION IN PERSONNEL FILE.—Any
18 military court protective order against a member
19 shall be placed and retained in the military per-
20 sonnel file of the member, except that such protec-
21 tive order shall be removed from the military per-
22 sonnel file of the member if the member is acquitted
23 of the offense to which the order pertains, it is de-
24 termined that the member did not commit the act

1 giving rise to the protective order, or it is deter-
2 mined that the protective order was issued in error.

3 “(2) NOTICE TO CIVILIAN LAW ENFORCEMENT
4 OF ISSUANCE.—Any military court protective order
5 against a member shall be treated as a military pro-
6 tective order for purposes of section 1567a including
7 for purposes of mandatory notification of issuance to
8 Federal and State civilian law enforcement agencies
9 as required by that section.

10 “(m) RELATIONSHIP TO OTHER AUTHORITIES.—
11 Nothing in this section may be construed as prohibiting—

12 “(1) a commanding officer from issuing or en-
13 forcing any otherwise lawful order in the nature of
14 a protective order to or against members of the offi-
15 cer’s command;

16 “(2) pretrial restraint in accordance with Rule
17 for Courts-Martial 304 (as set forth in the Manual
18 for Courts-Martial, 2019 edition, or any successor
19 rule); or

20 “(3) pretrial confinement in accordance with
21 Rule for Courts-Martial 305 (as set forth in the
22 Manual for Courts-Martial, 2019 edition, or any suc-
23 cessor rule).

24 “(n) DELIVERY TO CERTAIN PERSONS.—A physical
25 and electronic copy of any military court protective order

1 shall be provided, as soon as practicable after issuance,
2 to the following:

3 “(1) The person or persons protected by the
4 protective order or to the guardian of such a person
5 if such person is under the age of 18 years.

6 “(2) The person subject to the protective order.

7 “(3) To such commanding officer in the chain
8 of command of the person subject to the protective
9 order as the President shall prescribe for purposes
10 of this section.

11 “(o) DEFINITIONS.—In this section:

12 “(1) CONTACT.—The term ‘contact’ includes
13 contact in person or through a third party, or
14 through gifts,

15 “(2) COMMUNICATION.—The term ‘communica-
16 tion’ includes communication in person or through a
17 third party, and by telephone or in writing by letter,
18 data fax, or other electronic means.

19 “(3) COVERED OFFENSE.—The term ‘covered
20 offense’ means the following:

21 “(A) An alleged offense under section 920,
22 920a, 920b, 920c, or 920d of this title (article
23 120, 120a, 120b, 120c, or 120d of the Uniform
24 Code of Military Justice).

1 “(B) An alleged offense of stalking under
2 section 930 of this title (article 130 of the Uni-
3 form Code of Military Justice).

4 “(C) An alleged offense of domestic vio-
5 lence under section 928b of this title (article
6 128b of the Uniform Code of Military Justice).

7 “(D) A conspiracy to commit an offense
8 specified in subparagraphs (A) through (C) as
9 punishable under section 881 of this title (arti-
10 cle 81 of the Uniform Code of Military Justice).

11 “(E) A solicitation to commit an offense
12 specified in subparagraphs (A) through (C) as
13 punishable under section 882 of this title (arti-
14 cle 82 of the Uniform Code of Military Justice).

15 “(F) An attempt to commit an offense
16 specified in subparagraphs (A) through (C) as
17 punishable under section 880 of this title (arti-
18 cle 80 of the Uniform Code of Military Justice).

19 “(4) MILITARY JUDGE AND MILITARY MAG-
20 ISTRATE.—The terms ‘military judge’ and ‘military
21 magistrate’ mean a commissioned officer of the
22 armed forces who is a member of the bar of a Fed-
23 eral court or a member of the bar of the highest
24 court of a State and who is certified to be qualified,
25 by reason of education, training, experience, and ju-

1 dicial temperament, for duty as a military judge or
2 magistrate by the Judge Advocate General of the
3 armed force of which the officer is a member.

4 “(5) PROTECTIVE ORDER.—The term ‘protec-
5 tive order’ means an order that—

6 “(A) restrains a person from harassing,
7 stalking, threatening, or otherwise contacting or
8 communicating with a victim of an alleged cov-
9 ered offense, or a family member or associate of
10 the victim, or engaging in other conduct that
11 would place such other person in reasonable
12 fear of bodily injury to any such other person;

13 “(B) by its terms, explicitly prohibits—

14 “(i) the use, attempted use, or threat-
15 ened use of physical force by the person
16 against a victim of an alleged covered of-
17 fense, or a family member or associate of
18 the victim, that would reasonably be ex-
19 pected to cause bodily injury;

20 “(ii) the initiation by the person re-
21 strained of any contact or communication
22 with such other person;

23 “(iii) any other behavior by the person
24 restrained that the court deems necessary
25 to provide for the safety and welfare of the

1 victim of an alleged covered offense, or a
2 family member or associate of the victim;
3 or

4 “(iv) actions described by any of
5 clauses (i) through (iii).

6 “(6) SPECIAL VICTIMS’ COUNSEL.—The term
7 ‘Special Victims Counsel’ means a Special Victims’
8 Counsel described in section 1044e and includes a
9 Victims’ Legal Counsel of the Navy.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by adding
12 at the end the following new item:

“1567b. Authority of military judges and military magistrates to issue military
court protective orders.”.

13 (c) IMPLEMENTATION.—The President shall pre-
14 scribe regulations implementing section 1567b of title 10,
15 United States Code (as added by subsection (a)), by not
16 later than one year after the date of the enactment of this
17 Act.

18 **SEC. 529A. COUNTERING EXTREMISM IN THE ARMED**
19 **FORCES.**

20 (a) IN GENERAL.—Part II of subtitle A of title 10,
21 United States Code, is amended by adding at the end the
22 following new chapter:

23 **“CHAPTER 89—COUNTERING EXTREMISM**

“1801. Office of Countering Extremism.

“1802. Training and education.

“1803. Data collection and analysis.

“1804. Reporting requirements.

“1805. Definitions.

1 **“§ 1801. Office of Countering Extremism**

2 “(a) ESTABLISHMENT.—(1) There is an Office of
3 Countering Extremism (in this section referred to as the
4 ‘Office’) within the Office of the Under Secretary of De-
5 fense for Personnel and Readiness.

6 “(2) The Office shall be headed by the Director of
7 Countering Extremism (in this chapter referred to as the
8 ‘Director’), who shall be appointed by the Secretary of De-
9 fense, in consultation with the Secretary of Homeland Se-
10 curity, and report directly to the Under Secretary of De-
11 fense for Personnel and Readiness and the Secretary.

12 “(b) DUTIES.—The Director shall—

13 “(1) be responsible for policy of countering ex-
14 tremism within the armed forces;

15 “(2) in coordination with the Secretaries of the
16 military departments, develop and implement pro-
17 grams, resources, and activities to counter extre-
18 mism within the armed forces;

19 “(3) establish policies to ensure adequate pro-
20 tection, transparency of process, and availability of
21 resources for individuals who report incidents of ex-
22 tremism;

23 “(4) facilitate and coordinate with the Secre-
24 taries of the military departments, law enforcement

1 organizations, security organizations, and insider
2 threat programs in the armed forces;

3 “(5) engage and interact with, and solicit rec-
4 ommendations from, outside experts on extremism;

5 “(6) coordinate with—

6 “(A) the Under Secretary for Defense for
7 Intelligence and Security; and

8 “(B) the Deputy Inspector General of the
9 Department of Defense for Diversity and Inclu-
10 sion and Supremacist, Extremism and Criminal
11 Gang Activity; and

12 “(7) perform any additional duties prescribed
13 by the Secretary of Defense, in consultation with the
14 Secretary of Homeland Security.

15 **“§ 1802. Training and education**

16 “(a) IN GENERAL.—The Secretary of each military
17 department, in coordination with the Director, shall de-
18 velop and implement training and education programs and
19 related materials to assist members of the armed forces
20 and civilian employees of the armed forces in identifying,
21 preventing, responding to, reporting, and mitigating the
22 risk of extremism.

23 “(b) EXTREMIST INSIDER THREAT TRAINING.—(1)
24 The training and education programs and materials de-

1 scribed in subsection (a) shall include information on the
2 following:

3 “(A) What constitutes an extremist insider threat.

4 “(B) Risks posed by extremist insider threats.

5 “(C) How to identify extremist insider threats.

6 “(D) How to recognize when an individual is being
7 influenced by extremism or targeted for recruitment by ex-
8 tremist groups.

9 “(E) Information about procedures on when and how
10 to report detected extremist insider threats.

11 “(F) Resources for reporting outside the chain of
12 command.

13 “(G) Media literacy training.

14 “(H) Whistleblower protections.

15 “(I) Such other information as may be required by
16 the Secretary of Defense, in consultation with the Sec-
17 retary of Homeland Security.

18 “(2) The Secretary of Defense, in consultation with
19 the Secretary of Homeland Security, shall provide the
20 training and education described in subsection (a) as part
21 of each of the following:

22 “(A) Initial entry training for members of the
23 armed forces.

24 “(B) Curricula of—

1 “(i) the United States Army Training and
2 Doctrine Command;

3 “(ii) the Naval Education and Training
4 Command;

5 “(iii) the Air Education and Training
6 Command;

7 “(iv) all pre-commissioning programs of
8 the Department of Defense;

9 “(v) the military service academies;

10 “(vi) the Coast Guard Education and
11 Training Quota Management Command;

12 “(vii) the Coast Guard Academy; and

13 “(viii) all pre-commissioning programs of
14 the Coast Guard.

15 “(C) Certification courses required for members
16 or officers to be considered for promotion to any
17 grade above E-5, WO-5 (WO-3, in the case of the
18 Coast Guard), or O-5. Such members and officers
19 shall also receive training regarding—

20 “(i) how to identify emerging extremist in-
21 sider threat behaviors in a unit; and

22 “(ii) procedures on when and how to re-
23 spond when a subordinate reports a suspected
24 extremist insider threat.

1 “(3) The Secretary of Defense, in consultation
2 with the Secretary of Homeland Security, shall in-
3 clude the information described in paragraph (1) in
4 brochures, posters, print and online publications, or
5 other educational materials of the armed forces.

6 “(c) RECRUITER TRAINING.—The Secretary of each
7 military department, in coordination with the Director,
8 shall coordinate with the recruiting activities and organi-
9 zation of the armed forces to develop and carry out a
10 training program for recruiters on how to—

11 “(1) identify indicators of extremism in poten-
12 tial recruits;

13 “(2) identify members of extremist organiza-
14 tions in potential recruits; and

15 “(3) screen potential recruits for extremist ties
16 to ensure potential recruits comply with enlistment,
17 accession, or commissioning requirements.

18 **“§ 1803. Data collection and analysis**

19 “(a) IN GENERAL.—The Director shall—

20 “(1) establish and maintain a database on ex-
21 tremist activities in the armed forces; and

22 “(2) ensure the data collected across the mili-
23 tary departments is uniform to the maximum extent
24 practicable.

1 “(b) RECORDS.—The database established in sub-
2 section (a) shall include records on—

3 “(1) each incident, complaint, or allegation of
4 extremism by a member or civilian employee of the
5 armed forces, including—

6 “(A) the extremist behavior related to the
7 incident, complaint, or allegation;

8 “(B) the rank, race, gender, and ethnicity
9 of the individuals involved in the incident, com-
10 plaint, or allegation;

11 “(C) each Federal agency involved in in-
12 vestigating the incident, complaint, or allega-
13 tion;

14 “(D) any investigation of the incident,
15 complain, or allegation;

16 “(E) any action taken by a commander or
17 supervisor in response to the incident, com-
18 plaint, or allegation;

19 “(F) any adverse administrative personnel
20 action or punitive action related to the incident,
21 complaint, or allegation, including details of the
22 type of action initiated and the final disposition
23 of such action;

1 “(G) descriptions of an ideology, move-
2 ment, or extremist group associated with the in-
3 cident, complaint, or allegation; and

4 “(H) records submitted or collected re-
5 garding administrative or punitive action re-
6 ferred to in subsection (F).

7 “(2) each notification from the Federal Bureau
8 of Investigation to the Secretary of Defense, the
9 Secretary of Homeland Security, or a law enforce-
10 ment agency (if in the possession of either such Sec-
11 retary), of investigations related to extremism of
12 current and former members of the armed forces,
13 unless such reporting would jeopardize public safety
14 or compromise an ongoing law enforcement inves-
15 tigation;

16 “(3) responses related to questions about extre-
17 mism on surveys, questionnaires, command climate
18 surveys, transition checklists, exit surveys, and other
19 information gathering sources;

20 “(4) each involuntary separation or denial of
21 enlistment or commissioning on the basis of extre-
22 mism;

23 “(5) each security clearance revoked on the
24 basis of extremism; and

1 “(6) any other requirements prescribed by the
2 Secretary of Defense, in consultation with the Sec-
3 retary of Homeland Security.

4 “(c) COORDINATION.—Each Secretary of a military
5 department shall collect records described in subsection
6 (b) and provide them to the Director.

7 **“§ 1804. Reporting requirements**

8 “(a) ANNUAL REPORT.—Not later than December 1
9 of each year, the Director shall submit to Congress a re-
10 port on the prevalence of extremist activities within the
11 armed forces that includes the number of individuals—

12 “(1) determined ineligible to serve in the Armed
13 Forces during the preceding fiscal year by reason of
14 engagement in extremist activities;

15 “(2) separated from the Armed Forces during
16 the preceding fiscal year by reason of engagement in
17 extremist activities;

18 “(3) determined ineligible to reenlist in the
19 armed forces during the preceding fiscal year by rea-
20 son of engagement in extremist activities;

21 “(4) whose security clearances were revoked
22 during the preceding fiscal year by reason of engage-
23 ment in extremist activities;

24 “(5) statistics of incidents, complaints, and alle-
25 gations recorded under section 1803(b)—

1 “(A) disaggregated data by armed force,
2 race, gender, ethnicity, grade, and rank; and

3 “(B) with any personally identifiable infor-
4 mation redacted;

5 “(6) regulations prescribed to counter extre-
6 mism in the armed forces; and

7 “(7) any recommendations to Congress for re-
8 lated legislative actions to address extremism within
9 the armed forces.

10 “(b) PUBLICATION.—The Secretary of Defense
11 shall—

12 “(1) publish on an appropriate publicly avail-
13 able website of the Department of Defense the re-
14 ports required by subsection (a); and

15 “(2) ensure that any data included with each
16 such report is made available in a machine-readable
17 format that is downloadable, searchable, and sort-
18 able.

19 **“§ 1805. Definitions**

20 “‘In this chapter:

21 “(1) The terms ‘extremist activities’ and ‘ex-
22 tremist organization’ have the meanings prescribed
23 by the Secretary of Defense.

24 “(2) The term ‘extremist insider threat’ means
25 a member or civilian employee of the armed forces

1 with access to Government information, systems, or
 2 facilities, who—

3 “(A) can use such access to do harm to the
 4 security of the United States; and

5 “(B) exhibits extremist behaviors.”.

6 (b) TECHNICAL AMENDMENT.—The table of chapters
 7 for part II of subtitle A of such title 10 is amended by
 8 inserting, after the item relating to chapter 88, the fol-
 9 lowing new item:

“89. Countering Extremism 1801”.

10 (c) REGULATIONS.—The Secretary of Defense shall
 11 prescribe regulations under chapter 89 of such title (in-
 12 cluding definitions under section 1805 of such title), as
 13 added by subsection (a), not later than 60 days after the
 14 date of the enactment of this Act.

15 (d) PROGRESS REPORT.—Not later than 180 days
 16 after the date of the enactment of this Act, the Secretary
 17 of Defense shall submit to the Committees on Armed Serv-
 18 ices of the Senate and House of Representatives a report
 19 on the status of the implementation of chapter 89 of such
 20 title, as added by subsection (a).

21 (e) PROHIBITION ON EXTREMIST ACTIVITIES.—

22 (1) PROHIBITION.—Chapter 39 of title 10,
 23 United States Code, is amended by inserting after
 24 section 985 the following new section:

1 **“§ 986. Prohibition on extremist activities**

2 “(a) PROHIBITION.—An individual who engages in
3 extremist activities or is a member of an extremist organi-
4 zation may not serve as a member of the armed forces.

5 “(b) REGULATIONS.—The Secretary of Defense shall
6 prescribe regulations regarding the separation of a mem-
7 ber of the armed forces who engages in extremist activities
8 or is a member of an extremist organization.

9 “(c) DEFINITIONS.—In this section, the terms ‘ex-
10 tremist activities’ and ‘extremist organization’ have the
11 meanings given such terms in section 1805 of this title.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 by inserting after the item relating to section 985
15 the following new item:

“986. Prohibition on extremist activities.”.

16 (f) PROVISION OF INFORMATION REGARDING EX-
17 TREMIST GROUPS IN TRANSITION ASSISTANCE PRO-
18 GRAM.—Section 1142(b) of title 10, United States Code,
19 is amended by adding at the end the following new para-
20 graph (20):

21 “(20) Information about efforts of extremist
22 groups to recruit former members of the armed
23 forces, including how a member may report such ef-
24 forts to the Secretary concerned.”.

1 (g) AUTHORITY TO UTILIZE ONLINE EXTREMIST
2 CONTENT AS CAUSE FOR SEPARATION FROM AN ARMED
3 FORCE.—Chapter 3 of title 10, United States Code, is
4 amended by adding at the end the following new section:

5 **“§ 1301. Authority to utilize online extremist content**
6 **as cause for separation from an armed**
7 **force**

8 “The Secretary concerned may use content knowingly
9 shared, disseminated, or otherwise made available online
10 (including on social media platforms and accounts) by an
11 individual who serves in an armed force that expresses
12 support for extremist activities (as that term is defined
13 in section 1804 of this title) as cause for involuntary sepa-
14 ration from an armed force.”.

15 (h) COORDINATION OF DIRECTOR OF COUNTERING
16 EXTREMISM WITH DEPUTY INSPECTOR GENERAL RE-
17 GARDING SUPREMACIST, EXTREMIST, OR CRIMINAL GANG
18 ACTIVITY IN THE ARMED FORCES.—Section 554(a)(3) of
19 the William M. (Mac) Thornberry National Defense Au-
20 thorization Act for Fiscal Year 2021 (Public Law 116–
21 283) is amended by adding at the end the following new
22 subparagraph:

23 “(E) The Director of Countering Extre-
24 mism.”.

1 (i) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the day that the Secretary
3 of Defense prescribes regulations under subsection (e).

4 **SEC. 529B. REFORM AND IMPROVEMENT OF MILITARY**
5 **CRIMINAL INVESTIGATIVE ORGANIZATIONS.**

6 (a) EVALUATION AND PLAN FOR REFORM.—Not
7 later than one year after the date of the enactment of this
8 Act, each Secretary concerned shall—

9 (1) complete an evaluation of the effectiveness
10 of the military criminal investigative organizations
11 under the jurisdiction of such Secretary: and

12 (2) submit to the Secretary of Defense and the
13 Committees on Armed Services of the Senate and
14 the House of Representatives a report that in-
15 cludes—

16 (A) the results of the evaluation conducted
17 under paragraph (1); and

18 (B) based on such results, a proposal for
19 reforming such military criminal investigative
20 organizations to ensure that the organizations
21 effectively meet the demand for complex inves-
22 tigations and other emerging mission require-
23 ments.

24 (b) IMPLEMENTATION PLAN.—

1 (1) IN GENERAL.—Not later than two years
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall submit to the appropriate
4 congressional committees a plan to implement the
5 reforms to military criminal investigative organiza-
6 tions proposed by the Secretaries concerned under
7 subsection (a) to ensure each such organization is
8 capable of professionally investigating criminal mis-
9 conduct under its jurisdiction.

10 (2) ELEMENTS.—The plan under paragraph (1)
11 shall include the following:

12 (A) The requirements that military crimi-
13 nal investigative organizations must meet to ef-
14 fectively carry out criminal investigative and
15 other law enforcement missions in 2022 and
16 subsequent years.

17 (B) The resources that will be needed to
18 ensure that each military criminal investigative
19 organization can achieve its mission.

20 (C) An analysis of factors affecting the
21 performance of military criminal investigate or-
22 ganizations, including—

23 (i) whether appropriate technological
24 investigative tools are available and acces-
25 sible to such organizations; and

1 (ii) whether the functions of such or-
2 ganizations would be better supported by
3 civilian rather than military leadership.

4 (D) For each military criminal investiga-
5 tive organization—

6 (i) the number of military personnel
7 assigned to such organization;

8 (ii) the number of civilian personnel
9 assigned to such organization; and

10 (iii) the functions of such military and
11 civilian personnel.

12 (E) A description of any plans of the Sec-
13 retary to develop a more professional workforce
14 of military and civilian investigators.

15 (F) A proposed timeline for the reform of
16 the military investigative organizations.

17 (G) An explanation of the potential bene-
18 fits of such reforms, including a description
19 of—

20 (i) specific improvements that are ex-
21 pected to result from the reforms; and

22 (ii) whether the reforms will improve
23 information sharing across military crimi-
24 nal investigative organizations.

1 (H) With respect to the military criminal
2 investigative organizations of the Army, an ex-
3 planation of how the plan will—

4 (i) address the findings of the report
5 of the Fort Hood Independent Review
6 Committee, dated November 6, 2020; and

7 (ii) coordinate with any other internal
8 reform efforts of the Army.

9 (c) LIMITATION ON THE CHANGES TO TRAINING LO-
10 CATIONS.—In carrying out this section, the Secretary of
11 Defense may not change the locations at which military
12 criminal investigative training is provided to members of
13 military criminal investigative organizations until—

14 (1) the implementation plan under subsection
15 (b) is submitted to the appropriate congressional
16 committees; and

17 (2) a period of 60 days has elapsed following
18 the date on which the Secretary notifies the congres-
19 sional defense committees of the Secretary’s intent
20 to move such training to a different location.

21 (d) DEFINITIONS.—In this section:

22 (1) The term “appropriate congressional com-
23 mittees” means—

1 (A) the Committee on Armed Services and
2 the Committee on Commerce, Science, and
3 Transportation of the Senate; and

4 (B) the Committee on Armed Services and
5 the Committee on Transportation and Infra-
6 structure of the House of Representatives.

7 (2) The term “military criminal investigative
8 organization” means each organization or element of
9 the Department of Defense or the Armed Forces
10 that is responsible for conducting criminal investiga-
11 tions, including—

12 (A) the Army Criminal Investigation Com-
13 mand;

14 (B) the Naval Criminal Investigative Serv-
15 ice;

16 (C) the Air Force Office of Special Inves-
17 tigation;

18 (D) the Coast Guard Investigative Service;
19 and

20 (E) the Defense Criminal Investigative
21 Service.

22 (3) The term “Secretary concerned” has the
23 meaning given that term in section 101(a)(9) of title
24 10, United States Code.

1 **SEC. 529C. MEASURES TO IMPROVE THE SAFETY AND SECUR-**
2 **RITY OF MEMBERS OF THE ARMED FORCES.**

3 (a) **COMPREHENSIVE REVIEW OF MISSING PERSONS**
4 **REPORTING.**—The Secretary of Defense shall instruct the
5 Secretary of each military department to undertake a com-
6 prehensive review of the policies and procedures of such
7 military department for reporting members of the Armed
8 Forces absent without leave, on unauthorized absence, or
9 missing.

10 (b) **REVIEW OF INSTALLATION-LEVEL PROCE-**
11 **DURES.**—The commander of each military installation
12 shall—

13 (1) direct each military installation under its
14 command to review its policies and procedures for
15 carrying out the reporting activities described under
16 subsection (a); and

17 (2) update such installation-level policies and
18 procedures with a view towards force protection, en-
19 hanced security for members of the Armed Forces
20 living on base, and prioritizing reporting at the ear-
21 liest reasonable time to local law enforcement at all
22 levels, and Federal law enforcement field offices with
23 overlapping jurisdiction with that installation, when
24 a member is determined to be missing.

25 (c) **INSTALLATION-SPECIFIC REPORTING PROTO-**
26 **COLS.**—

1 (1) IN GENERAL.—The commander of each
2 military installation shall establish a protocol for
3 sharing information with local and Federal law en-
4 forcement agencies about members of the Armed
5 Forces that are absent without leave, on unauthor-
6 ized absence, or missing. The protocol shall provide,
7 by memorandum of understanding or otherwise, for
8 the commander to notify all local and Federal law
9 enforcement agencies with jurisdiction over the im-
10 mediate area of the military installation—

11 (A) immediately when the status of a
12 member assigned to such installation has been
13 changed to absent without leave, on unauthor-
14 ized absence, or missing (including whether the
15 commander determines that such member has a
16 violent intent, based on criteria including
17 whether a firearm is missing from such military
18 installation); and

19 (B) of the status of a member described in
20 subparagraph (A), not less than once per week
21 after notification under such subparagraph,
22 until the commander changes the status of such
23 member.

24 (2) REPORTING TO MILITARY INSTALLATION
25 COMMAND.—The commander of each military instal-

1 lation shall submit the protocol established pursuant
2 to paragraph (1) to the relevant military installation
3 command.

4 (d) REPORT OF CHIEF OF NATIONAL GUARD BU-
5 REAU.—Not later than March 1, 2022, the Chief of the
6 National Guard Bureau shall submit to the Committees
7 on Armed Services and on the Judiciary of the Senate and
8 House of Representatives, a report on the feasibility of
9 implementing subsections (a), (b), and (c), with regards
10 to facilities of the National Guard. Such report shall in-
11 clude a proposed timeline for such implementation and
12 recommendations of the Chief.

13 **SEC. 529D. DISTRIBUTION OF INFORMATION ON THE AVAIL-**
14 **ABILITY OF CIVILIAN VICTIM SERVICES.**

15 (a) INFORMATION DISTRIBUTION.—Not later than
16 180 days after the date of the enactment of this Act, the
17 Secretary of Defense shall—

18 (1) require each military legal service provider
19 to provide, to each victim referred to such provider,
20 a list of approved civilian victim service organiza-
21 tions from which the victim may seek legal assist-
22 ance, legal representation, or other legal services;
23 and

24 (2) direct the Sexual Assault Prevention and
25 Response Office of the Department of Defense to

1 carry out activities to ensure the widespread dis-
2 tribution, throughout the Department, of informa-
3 tion on the availability of services from civilian vic-
4 tim service organizations.

5 (b) APPROVAL OF ORGANIZATIONS.—The Secretary
6 of Defense, acting through the Sexual Assault Prevention
7 and Response Office of the Department of Defense, shall
8 establish criteria for the approval of civilian victim service
9 organizations for inclusion on the list described in sub-
10 section (a)(1).

11 (c) DEFINITIONS.—In this section:

12 (1) The term “civilian victim service organiza-
13 tion” means an organization outside the Department
14 of Defense that is approved by the Secretary of De-
15 fense for the purpose of providing legal assistance,
16 legal representation, or other legal services directly
17 to a victim.

18 (2) The term “military legal service provider”
19 means an individual or organization within the De-
20 partment of Defense authorized to provide legal as-
21 sistance, legal representation, or other legal services
22 directly to a victim.

23 (3) The term “victim” means the victim of an
24 offense under chapter 47 of title 10, United States
25 Code (the Uniform Code of Military Justice).

1 **SEC. 529E. REPORT ON MANDATORY RESTITUTION.**

2 Not later than April 30, 2022, the Secretary of De-
3 fense shall submit to the Committees on Armed Services
4 of the Senate and the House of Representatives a report
5 on the Department's progress in evaluating the feasibility
6 and advisability of authorizing mandatory restitution as
7 a component of the sentence for a conviction of an offense
8 under chapter 47 of title 10, United States Code (the Uni-
9 form Code of Military Justice).

10 **SEC. 529F. EXCLUSION OF EVIDENCE OBTAINED WITHOUT**
11 **PRIOR AUTHORIZATION.**

12 Section 271 of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(d) Notwithstanding any other provision of law, any
16 information obtained by or with the assistance of a mem-
17 ber of the Armed Forces in violation of section 1385 of
18 title 18, shall not be received in evidence in any trial, hear-
19 ing, or other proceeding in or before any court, grand jury,
20 department, officer, agency, regulatory body, legislative
21 committee, or other authority of the United States, a
22 State, or a political subdivision thereof.”

23 **SEC. 529G. REPORT ON DEMOGRAPHICS OF MILITARY PO-**
24 **LICE AND SECURITY FORCES CITATIONS.**

25 (a) IN GENERAL.—Not later than March 1 of each
26 year, the Secretary of Defense, in coordination with each

1 Secretary of a military department, shall submit to the
2 congressional defense committees a report on the demo-
3 graphics of citations issued by the military police and
4 other security forces of each Armed Force.

5 (b) ELEMENTS.—The report required by subsection
6 (a) shall include each of the following elements:

7 (1) The number of security citations issued in
8 each Armed Force in the preceding fiscal year,
9 disaggregated by—

10 (A) the offense for which the citation was
11 issued;

12 (B) the race, gender, and ethnicity of the
13 individual who was issued the citation; and

14 (C) the race, gender, and ethnicity of the
15 individual who issued the citation.

16 (2) An assessment of any disparities in race,
17 gender, and ethnicity in citations issued to individ-
18 uals in the preceding fiscal year.

19 (3) An assessment of any disparities in race,
20 gender, and ethnicity in citations issued by individ-
21 uals in the preceding fiscal year, including consider-
22 ation of the race, gender, and ethnicity of the indi-
23 vidual to whom the citation was issued.

1 (4) An assessment of any trends in disparities
2 in race, gender, and ethnicity in citations over the
3 preceding ten fiscal years.

4 (5) Actions taken in the preceding fiscal by the
5 Secretary of Defense and each Secretary of a mili-
6 tary department to address any disparities in race,
7 gender, or ethnicity in citations issued to individuals.

8 (6) A plan to reduce any disparities in race,
9 gender, or ethnicity in citations issued to individuals
10 during the fiscal year in which the report is sub-
11 mitted.

12 (c) PUBLICATION.—The Secretary of Defense shall—

13 (1) publish on an appropriate publicly available
14 website of the Department of Defense the reports re-
15 quired by subsection (a); and

16 (2) ensure that any data included with each
17 such report is made available in a machine-readable
18 format that is downloadable, searchable, and sort-
19 able.

20 (d) TERMINATION.—The requirement under this sec-
21 tion shall terminate on December 31, 2026.

1 **Subtitle D—Implementation of Rec-**
2 **ommendations of the Inde-**
3 **pendent Review Commission on**
4 **Sexual Assault in the Military**

5 **SEC. 531. SHORT TITLE.**

6 This subtitle may be cited as the “IRC implementa-
7 tion Act of 2021”.

8 **PART 1—SPECIAL VICTIM PROSECUTORS AND**
9 **SPECIAL VICTIM OFFENSES**

10 **SEC. 532. SPECIAL VICTIM PROSECUTORS.**

11 (a) IN GENERAL.—Subchapter V of chapter 47 of
12 title 10, United States Code, is amended by inserting after
13 section 824 (article 24 of the Uniform Code of Military
14 Justice) the following new section:

15 **“§ 824a. Art. 24a. Special victim prosecutors**

16 “(a) DETAIL OF SPECIAL VICTIM PROSECUTORS AND
17 ASSISTANT SPECIAL VICTIM PROSECUTORS.—Each Sec-
18 retary concerned shall detail—

19 “(1) one commissioned officer from each armed
20 force under the jurisdiction of such Secretary to
21 serve as the special victim prosecutor of that armed
22 force; and

23 “(2) such number of assistant special victim
24 prosecutors as the Secretary considers appropriate
25 to assist such special victim prosecutor.

1 “(b) QUALIFICATIONS.—

2 “(1) QUALIFICATIONS OF SPECIAL VICTIM
3 PROSECUTORS.—A special victim prosecutor shall be
4 a commissioned officer of the armed forces who—

5 “(A) is in the grade of O–6 or higher;

6 “(B) is a judge advocate;

7 “(C) is a member of the bar of a Federal
8 court or a member of the bar of the highest
9 court of a State; and

10 “(D) is certified to be qualified, by reason
11 of education, training, experience, and tempera-
12 ment, for duty as a special victim prosecutor.

13 “(2) QUALIFICATIONS OF ASSISTANT SPECIAL
14 VICTIM PROSECUTORS.—An assistant special victim
15 prosecutor shall be a commissioned officer of the
16 armed forces who—

17 “(A) has at least five years of criminal jus-
18 tice experience;

19 “(B) is a judge advocate;

20 “(C) is a member of the bar of a Federal
21 court or a member of the bar of the highest
22 court of a State; and

23 “(D) is certified to be qualified, by reason
24 of education, training, experience, and tempera-

1 ment, for duty as an assistant special victim
2 prosecutor.

3 “(c) DUTIES AND AUTHORITIES.—

4 “(1) IN GENERAL.—Special victim prosecutors
5 and assistant special victim prosecutors shall carry
6 out the duties described in this chapter and any
7 other duties prescribed by the Secretary of Defense,
8 in consultation with the Secretary of Homeland Se-
9 curity, by regulation.

10 “(2) CLARIFICATION OF AUTHORITY OF ASSIST-
11 ANT SPECIAL VICTIM PROSECUTORS.—Except as oth-
12 erwise expressly provided in this chapter, an assist-
13 ant special victim prosecutor shall have the same au-
14 thorities granted to a special victim prosecutor
15 under this chapter.

16 “(3) DETERMINATION OF SPECIAL VICTIM OF-
17 FENSE; RELATED CHARGES.—

18 “(A) AUTHORITY.—A special victim pros-
19 ecutor shall have exclusive authority to deter-
20 mine if an offense is a special victim offense
21 and shall, upon completion of a relevant inves-
22 tigation, exercise authority over any such of-
23 fense in accordance with this chapter.

24 “(B) RELATED OFFENSES.—If a special
25 victim prosecutor determines that an offense is

1 a special victim offense, the special victim pro-
2 secutor may also exercise authority over any re-
3 ported offense that the special victim prosecutor
4 determines to be related to the special victim
5 offense and any other reported offense by the
6 person alleged to have committed a special vic-
7 tim offense.

8 “(4) DISMISSAL; PREFERRAL; REFERRAL; PLEA
9 BARGAINS.—Subject to paragraph (5), with respect
10 to charges and specifications alleging any offense
11 over which a special victim prosecutor exercises au-
12 thority, a special victim prosecutor shall have exclu-
13 sive authority to, in accordance with this chapter—

14 “(A) make a determination that is binding
15 on the convening authority to prefer or refer
16 the charges and specifications for trial by a spe-
17 cial or general court-martial;

18 “(B) on behalf of the Government, dismiss
19 the charges and specifications or make a motion
20 to dismiss the charges and specifications;

21 “(C) enter into a plea agreement; and

22 “(D) determine if an ordered rehearing is
23 impracticable.

24 “(5) DEFERRAL TO CONVENING AUTHORITY.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), if a special victim prosecutor
3 exercises authority over an offense and elects
4 not to prefer charges and specifications for such
5 offense or, with respect to charges and speci-
6 fications for such offense preferred by a person
7 other than a special victim prosecutor, elects
8 not to refer such charges and specifications, a
9 convening authority may exercise any of the au-
10 thorities of the convening authority under this
11 chapter with respect to such offense.

12 “(B) EXCEPTION.—In exercising authority
13 under with respect to an offense described in
14 subparagraph (A), a convening authority may
15 not refer charges and specifications for a spe-
16 cial victim offense for trial by special or general
17 court-martial.

18 “(d) RELEVANT INVESTIGATION DEFINED.—In this
19 section, the term ‘relevant investigation’ means an inves-
20 tigation into an alleged offense under this chapter that
21 is conducted by the Federal Government or a State, local,
22 or Tribal law enforcement organization.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of subchapter V of chapter 47 of title
25 10, United States Code (the Uniform Code of Military

1 Justice), is amended by inserting after the item relating
2 to section 824 (article 24) the following new item:

“824a. Art. 24a. Special victim prosecutors.”.

3 **SEC. 533. DEPARTMENT OF DEFENSE POLICIES WITH RE-**
4 **SPECT TO SPECIAL VICTIM PROSECUTORS**
5 **AND ESTABLISHMENT OF OFFICES OF SPE-**
6 **CIAL VICTIM PROSECUTORS WITHIN MILI-**
7 **TARY DEPARTMENTS.**

8 (a) IN GENERAL.—Chapter 53 of title 10, United
9 States Code, is amended by inserting after section 1044e
10 the following new section:

11 **“§ 1044f. Special victim prosecutors: Department of**
12 **Defense policies; establishment of Offices**
13 **of Special Victim Prosecutors**

14 “(a) POLICIES REQUIRED.—The Secretary of De-
15 fense shall establish policies with respect to the appro-
16 priate mechanisms and procedures that the Secretaries of
17 the military departments shall establish and carry out re-
18 lating to the activities of special victim prosecutors, includ-
19 ing expected milestones for the Secretaries to fully imple-
20 ment such mechanisms and procedures.

21 “(b) MILITARY DEPARTMENT OFFICES OF SPECIAL
22 VICTIM PROSECUTORS.—

23 “(1) ESTABLISHMENT.—Each Secretary of a
24 military department shall establish within the office
25 of such Secretary an Office of Special Victim Pros-

1 ecutors. The head of each such Office of Special Vic-
 2 tim Prosecutors shall be a general or flag officer of
 3 the Judge Advocate General’s Corps an armed force
 4 under the jurisdiction of such Secretary and shall re-
 5 port directly to the Secretary concerned without in-
 6 tervening authority.

7 “(2) ASSIGNMENT OF SPECIAL VICTIM PROS-
 8 ECUTORS.—Notwithstanding section 806 of this title
 9 (article 6) each special victim prosecutor and assist-
 10 ant special victim prosecutor detailed by a Judge
 11 Advocate General of a military department shall be
 12 assigned to an Office of Special Victim Prosecutors
 13 established by such Secretary.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 at the beginning of chapter 53 of title 10, United States
 16 Code, is amended by inserting after the item relating to
 17 section 1044e the following new item:

“1044f. Special victim prosecutors: Department of Defense policies; establish-
 ment of Offices of Special Victim Prosecutors.”.

18 **SEC. 534. DEFINITIONS OF MILITARY MAGISTRATE, SPE-**
 19 **CIAL VICTIM OFFENSE, AND SPECIAL VICTIM**
 20 **PROSECUTOR.**

21 Section 801 of title 10, United States Code (article
 22 1 of the Uniform Code of Military Justice), is amended—

23 (1) by inserting after paragraph (10) the fol-
 24 lowing new paragraph:

1 “(11) The term ‘military magistrate’ means a
2 commissioned officer certified for duty as a military
3 magistrate in accordance with section 826a of this
4 title (article 26a).”.

5 (2) by adding at the end the following new
6 paragraphs:

7 “(17) The term ‘special victim offense’ means—

8 “(A) an offense under section 917a (article
9 117a), section 919a (article 119a), section 919b
10 (article 119b), section 920 (article 120), section
11 925 (article 125), section 920b (article 120b),
12 section 920c (article 120c), section 920d (arti-
13 cle 120d), section 928b (article 128b), section
14 930 (article 130), section 932 (article 132), or
15 section 934 (article 134) (as it relates to child
16 pornography, pandering, and prostitution) of
17 this title;

18 “(B) any offense under this chapter in a
19 case in which the victim of the offense was a
20 child who had not attained the age of 18 years
21 as of the date of the offense;

22 “(C) a conspiracy to commit an offense
23 specified in subparagraph (A) or (B) as punish-
24 able under section 881 of this title (article 81);

1 “(D) a solicitation to commit an offense
2 specified in subparagraph (A) or (B) as punish-
3 able under section 882 of this title (article 82);

4 “(E) an attempt to commit an offense
5 specified in subparagraph (A), (B), (C), or (D)
6 as punishable under section 880 of this title
7 (article 80); or

8 “(18) The term ‘special victim prosecutor’
9 means a judge advocate detailed as the special vic-
10 tim prosecutor of an armed force in accordance with
11 section 824a(a)(1) of this title (article 24a(a)(1)).

12 “(19) The term ‘assistant special victim pros-
13 ecutor’ means a judge advocate detailed as an assist-
14 ant special victim prosecutor in accordance with sec-
15 tion 824a(a)(2) of this title (article 24a(a)(2)).”.

16 **SEC. 535. CLARIFICATION RELATING TO WHO MAY CON-**
17 **VENE COURTS-MARTIAL.**

18 (a) **GENERAL COURTS-MARTIAL.**—Section 822(b) of
19 title 10, United States Code (article 22(b) of the Uniform
20 Code of Military Justice), is amended—

21 (1) by striking “If any” and inserting “(1) If
22 any”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(2) A commanding officer shall not be considered
2 an accuser solely due to the role of the commanding officer
3 in convening a general court-martial to which charges and
4 specifications were referred by a special victim prosecutor
5 in accordance with this chapter.”.

6 (b) SPECIAL COURTS-MARTIAL.—Section 823(b) of
7 title 10, United States Code (article 23(b) of the Uniform
8 Code of Military Justice), is amended—

9 (1) by striking “If any” and inserting “(1) If
10 any”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) A commanding officer shall not be considered
14 an accuser solely due to the role of the commanding officer
15 in convening a special court-martial to which charges and
16 specifications were referred by a special victim prosecutor
17 in accordance with this chapter.”.

18 **SEC. 536. DETAIL OF TRIAL COUNSEL.**

19 Section 827 of title 10, United States Code (article
20 27 of the Uniform Code of Military Justice), is amended
21 by adding at the end the following new subsection:

22 “(e) For each general and special court-martial for
23 which charges and specifications were referred by a special
24 victim prosecutor—

1 “(1) a special victim prosecutor or an assistant
2 special victim prosecutor shall be detailed as trial
3 counsel;

4 “(2) a special victim prosecutor may detail a
5 special victim prosecutor or an assistant special vic-
6 tim prosecutor as an assistant trial counsel; and

7 “(3) a special victim prosecutor may request
8 that a counsel other than a special victim prosecutor
9 or assistant special victim prosecutor be detailed as
10 an assistant trial counsel.”.

11 **SEC. 537. PRELIMINARY HEARING.**

12 (a) **DETAIL OF HEARING OFFICER; WAIVER.**—Sub-
13 section (a)(1) of section 832 of title 10, United States
14 Code (article 32 of the Uniform Code of Military Justice),
15 is amended—

16 (1) in subparagraph (A), by striking “hearing
17 officer” and all that follows and inserting “hearing
18 officer detailed in accordance with subparagraph
19 (C).”;

20 (2) in subparagraph (B), by striking “written
21 waiver” and all that follows and inserting the fol-
22 lowing: “written waiver to—

23 “(i) except as provided in clause (ii),
24 the convening authority and the convening

1 authority determines that a hearing is not
2 required; and

3 “(ii) with respect to charges and spec-
4 ifications over which the special victim
5 prosecutor is exercising authority in ac-
6 cordance with section 824a of this title (ar-
7 ticle 24a), the special victim prosecutor
8 and the special victim prosecutor deter-
9 mines that a hearing is not required; and”;
10 and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(C)(i) Except as provided in clause (ii), the
14 convening authority shall detail a hearing officer.

15 “(ii) If a special victim prosecutor is exercising
16 authority over the charges and specifications subject
17 to a preliminary hearing under this section (article),
18 the special victim prosecutor shall request a military
19 judge or military magistrate to serve as the hearing
20 officer, and a military judge or military magistrate
21 shall be provided, in accordance with regulations
22 prescribed by the President.”.

23 (b) REPORT OF PRELIMINARY HEARING OFFICER.—

24 Subsection (c) of such section is amended—

1 (1) in the heading, by inserting “OR SPECIAL
2 VICTIM PROSECUTOR” after “CONVENING AUTHOR-
3 ITY”; and

4 (2) in the matter preceding paragraph (1) by
5 striking “to the convening authority” and inserting
6 “to the convening authority or, in the case of a pre-
7 liminary hearing in which the hearing officer is pro-
8 vided at the request of a special victim prosecutor,
9 to the special victim prosecutor,”.

10 **SEC. 538. ADVICE TO CONVENING AUTHORITY BEFORE RE-**
11 **FERRAL FOR TRIAL.**

12 Section 834 of title 10, United States Code (article
13 34 of the Uniform Code of Military Justice), is amended—

14 (1) in subsection (a)(1) in the matter preceding
15 subparagraph (A) in the first sentence, by striking
16 “Before referral” and inserting “Subject to sub-
17 section (c), before referral”;

18 (2) in subsection (b), by striking “Before refer-
19 ral” and inserting “Subject to subsection (c), before
20 referral”;

21 (3) by redesignating subsections (c) and (d) as
22 subsections (d) and (e), respectively;

23 (4) by inserting after subsection (b) the fol-
24 lowing new subsection:

1 “(c) SPECIAL VICTIM OFFENSES.—A referral to a
2 general or special court-martial for trial of charges and
3 specifications over which a special victim prosecutor exer-
4 cises authority may only be made—

5 “(1) by a special victim prosecutor; or

6 “(2) by the convening authority in the case of—

7 “(A) charges and specifications that do not
8 allege a special victim offense and for which a
9 special victim prosecutor declines to prefer
10 charges; or

11 “(B) charges and specifications preferred
12 by a person other than a special victim pros-
13 ecutor, for which a special victim prosecutor de-
14 clines to refer charges.”; and

15 (5) in subsection (e), as redesignated by para-
16 graph (3) of this section, by inserting “or, with re-
17 spect to charges and specifications over which a spe-
18 cial victim prosecutor exercises authority in accord-
19 ance with section 824a of this title (article 24a), a
20 special victim prosecutor,” after “convening author-
21 ity”.

22 **SEC. 539. FORMER JEOPARDY.**

23 Section 844(c) of title 10, United States Code (article
24 44(c) of the Uniform Code of Military Justice), is amend-

1 ed by inserting “or the special victim prosecutor” after
2 “the convening authority” each place it appears.

3 **SEC. 539A. PLEA AGREEMENTS.**

4 (a) **AUTHORITY TO ENTER INTO AGREEMENTS.**—
5 Subsection (a) of section 853a of title 10, United States
6 Code (article 53a of the Uniform Code of Military Jus-
7 tice), is amended—

8 (1) in paragraph (1), by striking “At any time”
9 and inserting “Subject to paragraph (3), at any
10 time”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(3) With respect to charges and specifications re-
14 ferred to court-martial by a special victim prosecutor, a
15 plea agreement under this section may only be entered
16 into between a special victim prosecutor and the accused.
17 Such agreement shall be subject to the same limitations
18 and conditions applicable to other plea agreements under
19 this section (article).”.

20 (b) **BINDING EFFECT.**—Subsection (d) of such sec-
21 tion (article) is amended by inserting after “parties” the
22 following: “(including the convening authority and the spe-
23 cial victim prosecutor in the case of a plea agreement en-
24 tered into under subsection (a)(3))”.

1 **SEC. 539B. DETERMINATIONS OF IMPRACTICALITY OF RE-**
2 **HEARING.**

3 (a) TRANSMITTAL AND REVIEW OF RECORDS.—Sec-
4 tion 865(e)(3)(B) of title 10, United States Code (article
5 65(e)(3)(B) of the Uniform Code of Military Justice), is
6 amended—

7 (1) by striking “IMPRACTICAL.—If the Judge
8 Advocate General” and inserting the following: “IM-
9 PRACTICAL.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), if the Judge Advocate General”; and

12 (2) by adding at the end the following new
13 clause:

14 “(ii) CASES REFERRED BY SPECIAL
15 VICTIM PROSECUTOR.—If a case was re-
16 ferred to trial by a special victim pros-
17 ecutor, a special victim prosecutor shall de-
18 termine if a rehearing is impractical and
19 shall dismiss the charges if the special vic-
20 tim prosecutor so determines.”.

21 (b) COURTS OF CRIMINAL APPEALS.—Section
22 866(f)(1)(C) of title 10, United States Code (article
23 66(f)(1)(C) of the Uniform Code of Military Justice), is
24 amended—

1 (1) by striking “IMPRACTICABLE.—If the Court
2 of Criminal Appeals” and inserting the following:

3 “IMPRACTICABLE.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), if the Court of Criminal Appeals”; and

6 (2) by adding at the end the following new
7 clause:

8 “(ii) CASES REFERRED BY SPECIAL
9 VICTIM PROSECUTOR.—If a case was re-
10 ferred to trial by a special victim pros-
11 ecutor, a special victim prosecutor shall de-
12 termine if a rehearing is impracticable and
13 shall dismiss the charges if the special vic-
14 tim prosecutor so determines.”.

15 (c) REVIEW BY THE COURT OF APPEALS FOR THE
16 ARMED FORCES.—Section 867(e) of title 10, United
17 States Code (article 67(e) of the Uniform Code of Military
18 Justice), is amended by adding at the end the following
19 new sentence: “Notwithstanding the preceding sentence,
20 if a case was referred to trial by a special victim pros-
21 ecutor, a special victim prosecutor shall determine if a re-
22 hearing is impracticable and shall dismiss the charges if
23 the special victim prosecutor so determines.”.

24 (d) REVIEW BY JUDGE ADVOCATE GENERAL.—Sec-
25 tion 869(c)(1)(D) of title 10, United States Code (article

1 69(c)(1)(D) of the Uniform Code of Military Justice), is
2 amended—

3 (1) by striking “If the Judge Advocate Gen-
4 eral” and inserting “(i) Subject to clause (ii), if the
5 Judge Advocate General”; and

6 (2) by adding at the end the following new
7 clause:

8 “(ii) If a case was referred to trial by
9 a special victim prosecutor, a special victim
10 prosecutor shall determine if a rehearing is
11 impractical and shall dismiss the charges if
12 the special victim prosecutor so deter-
13 mines.”.

14 **SEC. 539C. PUNITIVE ARTICLE ON SEXUAL HARASSMENT.**

15 (a) IN GENERAL.—Subchapter X of chapter 47 of
16 title 10, United States Code (the Uniform Code of Military
17 Justice), is amended by inserting after section 920c (arti-
18 cle 120c) the following new section (article):

19 **“§ 920d. Art. 120d. sexual harassment**

20 “(a) IN GENERAL.—Any person subject to this chap-
21 ter who commits sexual harassment against another per-
22 son shall be punished as a court-martial may direct.

23 “(b) ELEMENTS.—A person subject to this chapter
24 commits sexual harassment when—

25 “(1) such person knowingly—

1 “(A) makes a sexual advance;

2 “(B) demands or requests a sexual favor;

3 or

4 “(C) engages in other conduct of a sexual
5 nature;

6 “(2) the conduct described in paragraph (1)
7 that such person committed is unwelcome;

8 “(3) under the circumstances, on the basis of
9 the record as a whole, such conduct would cause a
10 reasonable person to—

11 “(A) believe that submission to, or rejec-
12 tion of, such conduct would be made, either ex-
13 plicitly or implicitly, a term or condition of a
14 person’s military duties, job, pay, career, bene-
15 fits, or entitlements;

16 “(B) believe that submission to, or rejec-
17 tion of, such conduct would be used as a basis
18 for military career or employment decisions af-
19 fecting that person; or

20 “(C) perceive an intimidating, hostile, or
21 offensive duty or working environment due to
22 the severity, repetitiveness, or pervasiveness of
23 such conduct; and

24 “(4) a person, who by some duty or military-re-
25 lated reason works or is associated with the accused,

1 did reasonably believe or perceive as described in
2 subparagraph (A), (B), or (C) of paragraph (3).

3 “(c) OTHER CONDUCT.—For purposes of subsection
4 (b)(1)(C), whether other conduct would cause a reasonable
5 person to believe it is of a sexual nature shall be dependent
6 upon the circumstances of the act alleged and may include
7 conduct that, without context, would not appear to be sex-
8 ual in nature.

9 “(d) LOCATION AND MEANS OF ACT.—An act consti-
10 tuting sexual harassment under this section—

11 “(1) may occur at any location and without re-
12 gard to whether the victim or accused is on or off
13 duty at the time of the alleged act;

14 “(2) does not require physical proximity be-
15 tween the victim and the accused; and

16 “(3) may be transmitted through any means,
17 including written, oral, online, or other electronic
18 means.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such subchapter is amended by insert-
21 ing after the item relating to section 920c (article 120c)
22 the following new item:

“920d. Art. 120d. Sexual harassment.”.

1 **SEC. 539D. CLARIFICATION OF APPLICABILITY OF DOMES-**
2 **TIC VIOLENCE AND STALKING TO DATING**
3 **PARTNERS.**

4 (a) ARTICLE 128B; DOMESTIC VIOLENCE.—Section
5 928b of title 10, United States Code (article 128b of the
6 Uniform Code of Military Justice), is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “Any person” and inserting the following:

9 “(a) IN GENERAL.—Any person”.

10 (2) by inserting “a dating partner,” after “an
11 intimate partner,” each place it appears; and

12 (3) by adding at the end the following new sub-
13 section:

14 “(b) DEFINITIONS.—In this section, the terms dating
15 partner, ‘immediate family’, and ‘intimate partner’ have
16 the meaning given such terms in section 930 of this title
17 (article 130).”.

18 (b) ARTICLE 130; STALKING.—Section 930 of such
19 title (article 130 of the Uniform Code of Military Justice)
20 is amended—

21 (1) in subsection (a), by striking “or to his or
22 her intimate partner” each place it appears and in-
23 serting “to his or her intimate partner, or to his or
24 her dating partner”;

25 (2) in subsection (b)—

1 (A) by redesignating paragraphs (3)
2 through (5) as paragraphs (4) through (6), re-
3 spectively; and

4 (B) by inserting after paragraph (2) the
5 following new paragraph:

6 “(3) The term ‘dating partner’, in the case of
7 a specific person, means a person who is or has been
8 in a social relationship of a romantic or intimate na-
9 ture with such specific person, and a reasonable per-
10 son would believe such a relationship exists or ex-
11 isted, based on—

12 “(A) the length of the relationship;

13 “(B) the type of relationship; and

14 “(C) the frequency of interaction between
15 the persons involved in the relationship.”.

16 **SEC. 539E. EFFECTIVE DATE.**

17 (a) IN GENERAL.—Except as provided in subsection
18 (b), the amendments made by this part shall take effect
19 on the date that is two years after the date of the enact-
20 ment of this Act and shall apply with respect to offenses
21 that occur after that date.

22 (b) REGULATIONS.—

23 (1) REQUIREMENT.—The President shall pre-
24 scribe regulations to carry out this part not later

1 than two years after the date of the enactment of
2 this Act.

3 (2) IMPACT OF DELAY OF ISSUANCE.—If the
4 President does not prescribe regulations to carry out
5 this part before the date that is two years after the
6 date of the enactment of this Act, the amendments
7 made by this part shall take effect on the date on
8 which such regulations are prescribed and shall
9 apply with respect to offenses that occur on or after
10 that date.

11 **PART 2—SENTENCING REFORM**

12 **SEC. 539F. SENTENCING REFORM.**

13 (a) ARTICLE 53; FINDINGS AND SENTENCING.—Sec-
14 tion 853 of title 10, United States Code (article 53 of the
15 Uniform Code of Military Justice), is amended—

16 (1) in subsection (b), by amending paragraph
17 (1) to read as follows:

18 “(1) GENERAL AND SPECIAL COURTS-MAR-
19 TIAL.—Except as provided in subsection (c) for cap-
20 ital offenses, if the accused is convicted of an offense
21 in a trial by general or special court-martial, the
22 military judge shall sentence the accused. The sen-
23 tence determined by the military judge constitutes
24 the sentence of the court-martial.”;

25 (2) in subsection (c)—

1 (A) by amending paragraph (1) to read as
2 follows:

3 “(1) IN GENERAL.—In a capital case, if the ac-
4 cused is convicted of an offense for which the court-
5 martial may sentence the accused to death—

6 “(A) the members shall determine—

7 “(i) whether the sentence for that of-
8 fense shall be death or life in prison with-
9 out eligibility for parole; or

10 “(ii) whether the matter shall be re-
11 turned to the military judge for determina-
12 tion of a lesser punishment; and

13 “(B) the military judge shall sentence the
14 accused for that offense in accordance with the
15 determination of the members under subpara-
16 graph (A).”; and

17 (B) in paragraph (2), by striking “the
18 court-martial” and inserting “the military
19 judge”.

20 (b) ARTICLE 53A; PLEA AGREEMENTS.—Section
21 853a of title 10, United States Code (article 53a of the
22 Uniform Code of Military Justice), as amended by section
23 539A of this subtitle, is further amended—

24 (1) by redesignating subsections (b), (c), and
25 (d), as subsections (c), (d), and (e), respectively; and

1 (2) by inserting after subsection (a) the fol-
2 lowing new subsection:

3 “(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject
4 to subsections (c) and (d), the military judge of a general
5 or special court-martial shall accept a plea agreement sub-
6 mitted by the parties, except that—

7 “(1) in the case of an offense with a sentencing
8 parameter under section 856 of this chapter (article
9 56), the military judge may reject a plea agreement
10 that proposes a sentence that is outside the sen-
11 tencing parameter if the military judge determines
12 that the proposed sentence is plainly unreasonable;
13 and

14 “(2) in the case of an offense with no sen-
15 tencing parameter under section 856 of this chapter
16 (article 56), the military judge may reject a plea
17 agreement that proposes a sentence if the military
18 judge determines that the proposed sentence is
19 plainly unreasonable.”.

20 (c) ARTICLE 56; SENTENCING.—Section 856 of title
21 10, United States Code (article 56 of the Uniform Code
22 of Military Justice), is amended—

23 (1) in subsection (c)—

24 (A) in paragraph (1)—

1 (i) in subparagraph (C)(vii), by strik-
2 ing “and” at the end;

3 (ii) in subparagraph (D), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing new subparagraph:

8 “(E) the applicable sentencing parameters
9 or sentencing criteria prescribed under this sec-
10 tion.”;

11 (B) by striking paragraphs (2) through (4)
12 and inserting the following new paragraphs:

13 “(2) APPLICATION OF SENTENCING PARAM-
14 ETERS IN GENERAL AND SPECIAL COURTS-MAR-
15 TIAL.—

16 “(A) REQUIREMENT TO SENTENCE WITHIN
17 PARAMETERS.—Except as provided in subpara-
18 graph (B), in a general or special court-martial
19 in which the accused is convicted of an offense
20 for which there is a sentencing parameter under
21 subsection (d), the military judge shall sentence
22 the accused for that offense within the applica-
23 ble parameter.

24 “(B) EXCEPTION.—The military judge
25 may impose a sentence outside a sentencing pa-

1 parameter upon finding specific facts that warrant
2 such a sentence. If the military judge imposes
3 a sentence outside a sentencing parameter
4 under this subparagraph, the military judge
5 shall include in the record a written statement
6 of the factual basis for the sentence.

7 “(3) USE OF SENTENCING CRITERIA IN GEN-
8 ERAL AND SPECIAL COURTS-MARTIAL.—In a general
9 or special court-martial in which the accused is con-
10 victed of an offense for which there are sentencing
11 criteria under subsection (d), the military judge shall
12 consider the applicable sentencing criteria in deter-
13 mining the sentence for that offense.

14 “(4) OFFENSE-BASED SENTENCING IN GEN-
15 ERAL AND SPECIAL COURTS-MARTIAL.—In announc-
16 ing the sentence under section 853 of this chapter
17 (article 53) in a general or special court-martial, the
18 military judge shall, with respect to each offense of
19 which the accused is found guilty, specify the term
20 of confinement, if any, and the amount of the fine,
21 if any. If the accused is sentenced to confinement
22 for more than one offense, the military judge shall
23 specify whether the terms of confinement are to run
24 consecutively or concurrently.

1 “(5) INAPPLICABILITY TO DEATH PENALTY.—
2 Sentencing parameters and sentencing criteria shall
3 not apply to a determination of whether an offense
4 should be punished by death.

5 “(6) SENTENCE OF CONFINEMENT FOR LIFE
6 WITHOUT ELIGIBILITY FOR PAROLE.—(A) If an of-
7 fense is subject to a sentence of confinement for life,
8 a court-martial may impose a sentence of confine-
9 ment for life without eligibility for parole.

10 “(B) An accused who is sentenced to confine-
11 ment for life without eligibility for parole shall be
12 confined for the remainder of the accused’s life un-
13 less—

14 “(i) the sentence is set aside or otherwise
15 modified as a result of—

16 “(I) action taken by the convening au-
17 thority or the Secretary concerned; or

18 “(II) any other action taken during
19 post-trial procedure or review under any
20 other provision of subchapter IX of this
21 chapter;

22 “(ii) the sentence is set aside or otherwise
23 modified as a result of action taken by a court
24 of competent jurisdiction; or

1 “(iii) the accused receives a pardon or an-
2 other form of Executive clemency.”;

3 (2) by redesignating subsection (d) as sub-
4 section (e);

5 (3) by inserting after subsection (c) the fol-
6 lowing new subsection:

7 “(d) ESTABLISHMENT OF SENTENCING PARAMETERS
8 AND SENTENCING CRITERIA.—

9 “(1) IN GENERAL.—The President shall pre-
10 scribe regulations establishing sentencing parameters
11 and sentencing criteria in accordance with this sub-
12 section. Such parameters and criteria—

13 “(A) shall cover sentences of confinement;
14 and

15 “(B) may cover lesser punishments, as the
16 President determines appropriate.

17 “(2) SENTENCING PARAMETERS.—Sentencing
18 parameters established under paragraph (1) shall—

19 “(A) identify a delineated sentencing range
20 for an offense that is appropriate for a typical
21 violation of the offense, taking into consider-
22 ation—

23 “(i) the severity of the offense;

24 “(ii) the guideline or offense category
25 that would apply to the offense if the of-

1 fense were tried in a United States district
2 court;

3 “(iii) any military-specific sentencing
4 factors; and

5 “(iv) the need for the sentencing pa-
6 rameter to be sufficiently broad to allow
7 for individualized consideration of the of-
8 fense and the accused;

9 “(B) include no fewer than five and no
10 more than twelve offense categories;

11 “(C) assign each offense under this chap-
12 ter to an offense category unless the offense is
13 identified as unsuitable for sentencing param-
14 eters under paragraph (4)(F)(ii);

15 “(D) delineate the confinement range for
16 each offense category by setting an upper con-
17 finement limit and a lower confinement limit;
18 and

19 “(E) be neutral as to the race, color, reli-
20 gion, national origin, ethnicity, gender, gender
21 identity, disability, sexual orientation, and so-
22 cioeconomic status of offenders.

23 “(3) SENTENCING CRITERIA.—Sentencing cri-
24 teria established under paragraph (1) shall identify
25 offense-specific factors the military judge should

1 consider and any collateral effects of available pun-
2 ishments that may aid the military judge in deter-
3 mining an appropriate sentence when there is no ap-
4 plicable sentencing parameter for a specific offense.

5 “(4) MILITARY SENTENCING PARAMETERS AND
6 CRITERIA BOARD.—

7 “(A) IN GENERAL.—There is established
8 within the Department of Defense a board, to
9 be known as the ‘Military Sentencing Param-
10 eters and Criteria Board’ (referred to in this
11 subsection as the ‘Board’).

12 “(B) VOTING MEMBERS.—The Board shall
13 have five voting members, as follows:

14 “(i) The four chief trial judges des-
15 ignated under section 826(g) of this chap-
16 ter (article 26(g)), except that, if the chief
17 trial judge of the Coast Guard is not avail-
18 able, the Judge Advocate General of the
19 Coast Guard may designate as a voting
20 member a judge advocate of the Coast
21 Guard with substantial military justice ex-
22 perience.

23 “(ii) A trial judge of the Navy, des-
24 ignated under regulations prescribed by
25 the President, if the chief trial judges des-

1 ignated under section 826(g) of this chap-
2 ter (article 26(g)) do not include a trial
3 judge of the Navy.

4 “(iii) A trial judge of the Marine
5 Corps, designated under regulations pre-
6 scribed by the President, if the chief trial
7 judges designated under section 826(g) of
8 this chapter (article 26(g)) do not include
9 a trial judge of the Marine Corps.

10 “(C) NONVOTING MEMBERS.—The Chief
11 Judge of the Court of Appeals for the Armed
12 Forces, the Chairman of the Joint Chiefs of
13 Staff, and the General Counsel of the Depart-
14 ment of Defense shall each designate one non-
15 voting member of the Board.

16 “(D) CHAIR AND VICE-CHAIR.—The Sec-
17 retary of Defense shall designate one voting
18 member as chair of the Board and one voting
19 member as vice-chair.

20 “(E) VOTING REQUIREMENT.—An affirma-
21 tive vote of at least three members is required
22 for any action of the Board under this sub-
23 section.

24 “(F) DUTIES OF BOARD.—The Board shall
25 have the following duties:

1 “(i) As directed by the President, the
2 Board shall submit to the President for ap-
3 proval—

4 “(I) sentencing parameters for
5 all offenses under this chapter (other
6 than offenses that the Board identi-
7 fies as unsuitable for sentencing pa-
8 rameters in accordance with clause
9 (ii)); and

10 “(II) sentencing criteria to be
11 used by military judges in determining
12 appropriate sentences for offenses
13 that are identified as unsuitable for
14 sentencing parameters in accordance
15 with clause (ii).

16 “(ii) Identify each offense under this
17 chapter that is unsuitable for sentencing
18 parameters. The Board shall identify an
19 offense as unsuitable for sentencing pa-
20 rameters if—

21 “(I) the nature of the offense is
22 indeterminate and unsuitable for cat-
23 egorization; and

24 “(II) there is no similar criminal
25 offense under the laws of the United

1 States or the laws of the District of
2 Columbia.

3 “(iii) In developing sentencing param-
4 eters and criteria, the Board shall consider
5 the sentencing data collected by the Mili-
6 tary Justice Review Panel pursuant to sec-
7 tion 946(f)(2) of this chapter (article
8 146(f)(2)).

9 “(iv) In addition to establishing pa-
10 rameters for sentences of confinement
11 under clause (i)(I), the Board shall con-
12 sider the appropriateness of establishing
13 sentencing parameters for punitive dis-
14 charges, fines, reductions, forfeitures, and
15 other lesser punishments authorized under
16 this chapter.

17 “(v) The Board shall regularly—

18 “(I) review, and propose revision
19 to, in consideration of comments and
20 data coming to the Board’s attention,
21 the sentencing parameters and sen-
22 tencing criteria prescribed under para-
23 graph (1); and

24 “(II) submit to the President,
25 through the Secretary of Defense,

1 proposed amendments to the sen-
2 tencing parameters and sentencing
3 criteria, together with statements ex-
4 plaining the basis for the proposed
5 amendments.

6 “(vi) The Board shall develop means
7 of measuring the degree to which applica-
8 ble sentencing, penal, and correctional
9 practices are effective with respect to the
10 sentencing factors and policies set forth in
11 this section.

12 “(vii) In fulfilling its duties and in ex-
13 ercising its powers, the Board shall consult
14 authorities on, and individual and institu-
15 tional representatives of, various aspects of
16 the military criminal justice system. The
17 Board shall establish separate advisory
18 groups consisting of individuals with cur-
19 rent or recent experience in command and
20 in senior enlisted positions, individuals
21 with experience in the trial of courts-mar-
22 tial, and such other groups as the Board
23 deems appropriate.

24 “(viii) The Board shall submit to the
25 President, through the Secretary of De-

1 fense, proposed amendments to the rules
2 for courts-martial with respect to sen-
3 tencing proceedings and maximum punish-
4 ments, together with statements explaining
5 the basis for the proposed amendments.

6 “(ix) The Board may issue non-bind-
7 ing policy statements to achieve the
8 Board’s purposes and to guide military
9 judges in fashioning appropriate sentences,
10 including guidance on factors that may be
11 relevant in determining where in a sen-
12 tencing parameter a specification may fall,
13 or whether a deviation outside of the sen-
14 tencing range may be warranted.

15 “(G) FEDERAL ADVISORY COMMITTEE
16 ACT.—The Federal Advisory Committee Act (5
17 U.S.C. App.) shall not apply with respect to the
18 Board or any advisory group established by the
19 Board.”; and

20 (4) in subsection (e)(1), as redesignated by
21 paragraph (2) of this subsection—

22 (A) in subparagraph (A), by striking “or”
23 at the end;

24 (B) by redesignating subparagraph (B) as
25 subparagraph (C);

1 (C) by inserting after subparagraph (A)
2 the following new subparagraph:

3 “(B) in the case of a sentence for an offense
4 with a sentencing parameter under this section, the
5 sentence is a result of an incorrect application of the
6 parameter; or”; and

7 (D) in subparagraph (C), as redesignated
8 by subparagraph (B) of this paragraph, by
9 striking “, as determined in accordance with
10 standards and procedures prescribed by the
11 President”.

12 (d) ARTICLE 66; COURTS OF CRIMINAL APPEALS.—
13 Section 866 of title 10, United States Code (article 66
14 of the Uniform Code of Military Justice) is amended—

15 (1) in subsection (d)(1)(A), by striking the
16 third sentence; and

17 (2) by amending subsection (e) to read as fol-
18 lows:

19 “(e) CONSIDERATION OF SENTENCE.—

20 “(1) IN GENERAL.—In considering a sentence
21 on appeal, other than as provided in section 856(e)
22 of this chapter (article 56(e)), the Court of Criminal
23 Appeals may consider—

24 “(A) whether the sentence violates the law;

1 “(B) whether the sentence is inappropri-
2 ately severe—

3 “(i) if the sentence is for an offense
4 for which there is no sentencing parameter
5 under section 856(d) of this chapter (arti-
6 cle 56(d)); or

7 “(ii) in the case of an offense with a
8 sentencing parameter under section 856(d)
9 of this chapter (article 56(d)), if the sen-
10 tence is above the upper range of such sen-
11 tencing parameter;

12 “(C) in the case of a sentence for an of-
13 fense with a sentencing parameter under sec-
14 tion 856(d) of this chapter (article 56(d)),
15 whether the sentence is a result of an incorrect
16 application of the parameter;

17 “(D) whether the sentence is plainly un-
18 reasonable; and

19 “(E) in review of a sentence to death or to
20 life in prison without eligibility for parole deter-
21 mined by the members in a capital case under
22 section 853(c) of this chapter (article 53(c)),
23 whether the sentence is otherwise appropriate,
24 under rules prescribed by the President.

1 “(2) RECORD ON APPEAL.—In an appeal under
2 this subsection or section 856(e) of this chapter (ar-
3 ticle 56(e)), other than review under subsection
4 (b)(2), the record on appeal shall consist of—

5 “(A) any portion of the record in the case
6 that is designated as pertinent by any party;

7 “(B) the information submitted during the
8 sentencing proceeding; and

9 “(C) any information required by rule or
10 order of the Court of Criminal Appeals.”.

11 (e) CONFORMING AMENDMENTS.—

12 (1) Section 863(e) of title 10, United States
13 Code (article 63(e) of the Uniform Code of Military
14 Justice) is amended by striking “section 856(d) of
15 this title (article 56(d))” and inserting “section
16 856(e) of this chapter (article 56(e))”.

17 (2) Section 866 of title 10, United States Code
18 (article 66 of the Uniform Code of Military Justice),
19 as amended by subsection (d), is further amended by
20 striking “section 856(d) of this title (article 56(d))”
21 each place it appears and inserting “section 856(e)
22 of this chapter (article 56(e))”.

23 (f) EFFECTIVE DATE.—

24 (1) IN GENERAL.—The amendments made by
25 this section shall take effect on the date that is two

1 years after the date of the enactment of this Act and
2 shall apply to sentences adjudged in cases in which
3 all findings of guilty are for offenses that occurred
4 after the date that is two years after the date of the
5 enactment of this Act.

6 (2) IMPLEMENTATION OF SENTENCING PARAM-
7 ETERS AND CRITERIA.—

8 (A) IN GENERAL.—The President shall
9 prescribe regulations setting forth the sen-
10 tencing parameters and criteria required by
11 subsection (d) of section 856 of title 10, United
12 States Code (article 56 of the Uniform Code of
13 Military Justice), as added by subsection (c) of
14 this section.

15 (B) EFFECTIVE DATES.—The regulations
16 under subparagraph (A) shall take effect on a
17 date determined by the President which shall be
18 not later than four years after the date of en-
19 actment of this Act and shall apply only to sen-
20 tences adjudged in cases in which all findings of
21 guilty are for offenses that occurred after the
22 date on which the regulations required by sub-
23 paragraph (A) take effect.

24 (C) INTERIM AUTHORITY OF JUDGES.—If
25 the regulations required by subparagraph (A)

1 have not been prescribed as of the date on
2 which the amendments made by this section
3 take effect under paragraph (1), each sentence
4 adjudged in accordance with the amendments
5 made by this section and the terms of the effec-
6 tive date under paragraph (1) shall be made as
7 if no sentencing parameter or criteria for that
8 offense has been prescribed until such time as
9 such regulations are issued that include such a
10 sentencing parameter or criteria.

11 (g) REPEAL OF SECRETARIAL GUIDELINES ON SEN-
12 TENCES FOR OFFENSES COMMITTED UNDER THE UNI-
13 FORM CODE OF MILITARY JUSTICE.—Section 537 of the
14 National Defense Authorization Act for Fiscal Year 2020
15 (Public Law 116–92; 133 Stat. 1363; 10 U.S.C. 856 note)
16 is repealed.

17 **PART 3—REPORTS AND OTHER MATTERS**

18 **SEC. 539G. REPORT ON MODIFICATION OF DISPOSITION AU-**
19 **THORITY FOR OFFENSES OTHER THAN SPE-**
20 **CIAL VICTIM OFFENSES.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of Defense
23 shall submit to the Committees on Armed Services of the
24 Senate and the House of Representatives a report on the
25 feasibility, advisability, and potential effects of modifying

1 chapter 47 of title 10, United States Code (the Uniform
2 Code of Military Justice) to require that determinations
3 as to whether to prefer or refer charges for trial by court-
4 martial for offenses other than special victim offenses
5 must be made by an individual outside of the chain of com-
6 mand of the member subject to the charges rather than
7 by a commanding officer who is in the chain of command
8 of the member.

9 (b) ELEMENTS.—The report under subsection (a)
10 shall include the following:

11 (1) A review and reassessment of the findings
12 of the Secretary of Defense included in the report
13 submitted under section 540F of the National De-
14 fense Authorization Act for Fiscal year 2020 (Public
15 Law 116–92; 133 Stat. 1367), taking into account
16 the findings and recommendations of the Inde-
17 pendent Review Commission on Sexual Assault in
18 the Military as set forth in the report of the Com-
19 mission titled “Hard Truths and the Duty to
20 Change: Recommendations from the Independent
21 Review Commission on Sexual Assault in the Mili-
22 tary”.

23 (2) An analysis of any effects, including positive
24 and negative effects, that may result from the modi-

1 fication of disposition authority for offenses as de-
2 scribed in subsection (a).

3 (c) INDEPENDENT COMMITTEE.—

4 (1) IN GENERAL.—The Secretary of Defense
5 shall establish an independent committee to prepare
6 the report required by this section.

7 (2) MEMBERS.—Subject to paragraph (3), the
8 committee established under paragraph (1) shall be
9 composed of members who—

10 (A) are designated by the Secretary of De-
11 fense; and

12 (B) have expertise determined to be rel-
13 evant by the Secretary

14 (3) LIMITATION.—No member of an Armed
15 Force or civilian employee of the Department of De-
16 fense may serve on the committee established under
17 paragraph (1).

18 (d) SPECIAL VICTIM OFFENSE DEFINED.—In this
19 section, the term “special victim offense” means an of-
20 fense specified in section 801(17) of title 10, United
21 States Code (article 1(17) of the Uniform Code of Military
22 Justice), as added by section 534 of this subtitle.

1 **SEC. 539H. REPORT ON IMPLEMENTATION OF CERTAIN**
2 **RECOMMENDATIONS OF THE INDEPENDENT**
3 **REVIEW COMMISSION ON SEXUAL ASSAULT**
4 **IN THE MILITARY.**

5 (a) **REPORT REQUIRED.**—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall submit to the Committees on Armed Serv-
8 ices of the Senate and the House of Representatives a re-
9 port on status of the implementation of the recommenda-
10 tions specified in subsection (c).

11 (b) **ELEMENTS.**—The report under subsection (a)
12 shall include the following:

13 (1) A description of the status of the implemen-
14 tation of each recommendation specified in sub-
15 section (c), including—

16 (A) whether, how, and to what extent the
17 recommendation has been implemented;

18 (B) any rules, regulations, policies, or
19 other guidance that have been issued, revised,
20 changed, or cancelled as a result of the imple-
21 mentation of the recommendation; and

22 (C) any impediments to the implementa-
23 tion of the recommendation.

24 (2) For each recommendation specified in sub-
25 section (c) that has not been fully implemented or
26 superseded by statute as of the date of the report,

1 a plan for the implementation of the recommenda-
2 tion, including identification of—

3 (A) intermediate actions, milestone dates,
4 and the expected completion date for implemen-
5 tation of the recommendation; and

6 (B) any rules, regulations, policies, or
7 other guidance that are expected to be issued,
8 revised, changed, or cancelled as a result of the
9 implementation of the recommendation.

10 (3) Any statutory changes identified as nec-
11 essary to fully implement the recommendations spec-
12 ified in subsection (c).

13 (c) RECOMMENDATIONS SPECIFIED.—The rec-
14 ommendations specified in this subsection are the fol-
15 lowing, as set forth in the report of the Independent Re-
16 view Commission on Sexual Assault in the Military titled
17 “Hard Truths and the Duty to Change: Recommendations
18 from the Independent Review Commission on Sexual As-
19 sault in the Military”, and dated July 2, 2021:

20 (1) Each recommendation under the heading
21 “Line of Effort 1: Accountability” as set forth in
22 section III such report.

23 (2) Each recommendation under the heading
24 “Line of Effort 2: Prevention” as set forth in sec-
25 tion III such report.

1 (3) Each recommendation under the heading
2 “Line of Effort 3: Climate and Culture” as set forth
3 in section III of such report.

4 (4) Each recommendation under the heading
5 “Line of Effort 4: Victim Care and Support” as set
6 forth in section III of such report.

7 **SEC. 539I. REPORT ON IMPLEMENTATION OF REC-**
8 **COMMENDATIONS AND OTHER ACTIVITIES TO**
9 **ADDRESS RACIAL, ETHNIC, AND GENDER DIS-**
10 **PARITIES IN THE MILITARY JUSTICE SYSTEM.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Secretary of Defense shall submit
13 to the Committees on Armed Services of the Senate and
14 the House of Representatives a report on status of the
15 Secretary’s efforts—

16 (1) to implement the recommendations set forth
17 in the May 2019 report of the Government Account-
18 ability Office titled “Military Justice: DOD and the
19 Coast Guard Need to Improve Their Capabilities to
20 Assess Racial and Gender Disparities” (GAO–19–
21 344); and

22 (2) to carry out the activities required under
23 section 540I(b) of the National Defense Authoriza-
24 tion Act for Fiscal Year 2020 (Public Law 116–92;
25 133 Stat. 1369; 10 U.S.C. 810 note).

1 **SEC. 539J. PLAN FOR DEVELOPMENT AND MANAGEMENT**
2 **OF THE GENDER ADVISOR WORKFORCE.**

3 (a) **PLAN REQUIRED.**—The Secretary of Defense
4 shall develop and implement a plan to institutionalize the
5 gender advisor workforce of the Department of Defense
6 responsible for supporting the implementation of the
7 Women, Peace, and Security Act of 2017 (Public Law
8 115–68; 131 Stat. 1202).

9 (b) **ELEMENTS.**—The plan under subsection (a) shall
10 include:

11 (1) Plans for the development and management
12 of the gender advisor workforce, including plans for
13 the training, certification, assignments, and career
14 development of the personnel of such workforce.

15 (2) The actions the Secretary of Defense will
16 carry out to elevate, develop, define, and standardize
17 the gender advisor workforce in accordance with rec-
18 ommendation 3.4(a) of the report of the Inde-
19 pendent Review Commission on Sexual Assault in
20 the Military titled “Hard Truths and the Duty to
21 Change: Recommendations from the Independent
22 Review Commission on Sexual Assault in the Mili-
23 tary” and dated July 2, 2021.

24 (3) Development of or modifications to guid-
25 ance, policy, professional military education, and
26 doctrine to define and standardize the gender advi-

1 sor program with a focus on incorporating the prin-
2 ciples outlined in the plan of the Department of De-
3 fense titled “Women, Peace, and Security Strategic
4 Framework and Implementation Plan” and dated
5 June 2020, or any successor plan.

6 (4) Identification of training and education re-
7 quirements for members of the Armed Forces and
8 civilian employees of the Department of Defense, in-
9 cluding general and flag officers and members of the
10 senior executive service, on the role of the gender
11 advisor workforce and the principles outlined in plan
12 referred to in paragraph (3), or any successor plan.

13 (5) The funds, resources, and authorities need-
14 ed to establish and develop the gender advisor role
15 into a full-time, billeted, and resourced position
16 across organizations within the Department of De-
17 fense, including the military departments, the Armed
18 Forces, the combatant commands, Defense Agencies,
19 and Department of Defense Field Activities.

20 (6) Developing and standardizing position de-
21 scriptions of the gender advisor workforce, including
22 gender advisors and gender focal points, across orga-
23 nizations within the Department, including the mili-
24 tary departments, the Armed Forces, the combatant

1 commands, Defense Agencies, and Department of
2 Defense Field Activities.

3 (7) An assessment and review of the Depart-
4 ment's existing training programs for gender advi-
5 sors and gender focal points.

6 (8) Actions to adapt gender analysis (as defined
7 in section 3 of the Women's Entrepreneurship and
8 Economic Empowerment Act (Public Law 115-428;
9 22 U.S.C. 2151-2)) to fit the needs of the Depart-
10 ment of Defense and to incorporate such analysis
11 into the work of gender advisors and other personnel
12 identified as part of the gender advisor workforce.

13 (9) The actions the Secretary will carry out to
14 incorporate the total amount of expenditures and
15 proposed appropriations necessary to support the
16 program, projects, and activities of the gender advi-
17 sor workforce into the future years defense program,
18 as submitted to Congress under section 221 of title
19 10, United States Code.

20 (c) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Secretary of Defense
22 shall submit to the appropriate congressional committees
23 a report detailing the plan developed under subsection (a)
24 and the Secretary's progress in implementing such plan.

1 (d) BRIEFING.—Not later than 270 days after the
2 date of the enactment of this Act, the Secretary of Defense
3 shall provide to the appropriate congressional committees
4 a briefing on the report under subsection (c) detailing the
5 plan developed under subsection (a) and the Secretary’s
6 progress in implementing such plan.

7 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8 FINED.—In this section, the term “appropriate congres-
9 sional committees” means—

10 (1) the Committee on Armed Services and the
11 Committee on Foreign Affairs of the House of Rep-
12 resentatives; and

13 (2) the Committee on Armed Services and the
14 Committee on Foreign Relations of the Senate.

15 **Subtitle E—Other Sexual Assault-**
16 **Related Matters**

17 **SEC. 541. INDEPENDENT INVESTIGATION OF COMPLAINTS**
18 **OF SEXUAL HARASSMENT.**

19 (a) IN GENERAL.—Section 1561 of title 10, United
20 States Code, is amended to read as follows:

21 **“§ 1561. Complaints of sexual harassment: inde-**
22 **pendent investigation**

23 **“(a) ACTION ON COMPLAINTS ALLEGING SEXUAL**
24 **HARASSMENT.—**A commanding officer or officer in charge
25 of a unit, vessel, facility, or area of an armed force, who

1 receives, from a member of the command or a member
2 under the supervision of the officer, a formal complaint
3 alleging sexual harassment by a member of the armed
4 forces shall, as soon as practicable after such receipt, for-
5 ward the complaint to an independent investigator.

6 “(b) COMMENCEMENT OF INVESTIGATION.—To the
7 extent practicable, an independent investigator shall com-
8 mence an investigation of a formal complaint of sexual
9 harassment not later than 72 hours after—

10 “(1) receiving a formal complaint of sexual har-
11 assment forwarded by a commanding officer or offi-
12 cer in charge under subsection (a); or

13 “(2) receiving a formal complaint of sexual har-
14 assment directly from a member of the armed forces.

15 “(c) DURATION OF INVESTIGATION.—To the extent
16 practicable, an investigation under subsection (b) shall be
17 completed not later than 14 days after the date on which
18 the investigation commences.

19 “(d) REPORT ON INVESTIGATION.—

20 “(1) If the investigation cannot be completed
21 within 14 days, not later than the 14th day after the
22 investigation commences, and every 14 days there-
23 after until the investigation is complete, the inde-
24 pendent investigator shall submit to the officer de-

1 scribed in subsection (a) a report on the progress
2 made in completing the investigation.

3 “(2) To the extent practicable, and as soon as
4 practicable upon completion of the investigation, the
5 officer described in subsection (a) shall notify the
6 complainant of the final results of the investigation,
7 including any action taken, or planned to be taken,
8 as a result of the investigation.

9 “(e) DEFINITIONS.—In this section:

10 “(1) The term ‘formal complaint’ means a com-
11 plaint—

12 “(A) that an individual files in writing;
13 and

14 “(B) in which the individual attests to the
15 accuracy of the information contained in the
16 complaint.

17 “(2) The term ‘independent investigator’ means
18 a member of the armed forces or a civilian employee
19 of the Department of Defense or the Coast Guard
20 who—

21 “(A) is outside the chain of command of
22 the complainant and the subject of the inves-
23 tigation; and

24 “(B) is trained in the investigation of sex-
25 ual harassment, as determined by—

1 “(i) the Secretary concerned, in the
2 case of a member of the armed forces;

3 “(ii) the Secretary of Defense, in the
4 case of a civilian employee of the Depart-
5 ment of Defense; or

6 “(iii) the Secretary of Homeland Se-
7 curity, in the case of a civilian employee of
8 the Coast Guard.

9 “(3) In this section, the term ‘sexual harass-
10 ment’ means any of the following:

11 “(A) Conduct that—

12 “(i) involves unwelcome sexual ad-
13 vances, requests for sexual favors, and de-
14 liberate or repeated offensive comments or
15 gestures of a sexual nature when—

16 “(I) submission to such conduct
17 is made either explicitly or implicitly a
18 term or condition of a person’s job,
19 pay, or career;

20 “(II) submission to or rejection
21 of such conduct by a person is used as
22 a basis for career or employment deci-
23 sions affecting that person; or

24 “(III) such conduct has the pur-
25 pose or effect of unreasonably inter-

1 fering with an individual’s work per-
2 formance or creates an intimidating,
3 hostile, or offensive working environ-
4 ment; and

5 “(ii) is so severe or pervasive that a
6 reasonable person would perceive, and the
7 victim does perceive, the environment as
8 hostile or offensive.

9 “(B) Any use or condonation, by any per-
10 son in a supervisory or command position, of
11 any form of sexual behavior to control, influ-
12 ence, or affect the career, pay, or job of a mem-
13 ber of the armed forces or a civilian employee
14 of the Department of Defense or the Coast
15 Guard.

16 “(C) Any deliberate or repeated unwelcome
17 verbal comment or gesture of a sexual nature
18 by any member of the armed forces or civilian
19 employee of the Department of Defense or the
20 Coast Guard.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 80 of title 10 United States
23 Code is amended by striking the item relating to section
24 1561 and inserting the following new item:

“1561. Complaints of sexual harassment: independent investigation.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsections (a) and (b) shall—

3 (1) take effect on the date that is two years
4 after the date of the enactment of this Act; and

5 (2) apply to any investigation of a formal com-
6 plaint of sexual harassment (as those terms are de-
7 fined in section 1561 of title 10, United States
8 Code, as amended by subsection (a)) made on or
9 after that date.

10 (d) REPORT ON IMPLEMENTATION.—

11 (1) IN GENERAL.—Not later than one year
12 after the date of the enactment of this Act, each
13 Secretary concerned shall submit to the appropriate
14 congressional committees a report on preparation of
15 that Secretary to implement section 1561 of title 10,
16 United States Code, as amended by subsection (a).

17 (2) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES DEFINED.—In this section, the term “appro-
19 priate congressional committees” means—

20 (A) the Committee on Armed Services and
21 the Committee on Commerce, Science, and
22 Transportation of the Senate; and

23 (B) the Committee on Armed Services and
24 the Committee on Transportation and Infra-
25 structure of the House of Representatives.

1 **SEC. 542. MODIFICATION OF NOTICE TO VICTIMS OF PEND-**
2 **ENCY OF FURTHER ADMINISTRATIVE ACTION**
3 **FOLLOWING A DETERMINATION NOT TO**
4 **REFER TO TRIAL BY COURT-MARTIAL.**

5 Section 549 of the National Defense Authorization
6 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
7 806b note) is amended—

8 (1) in the section heading, by striking “**AL-**
9 **LEGED SEXUAL ASSAULT**” and inserting “**AL-**
10 **LEGED SEX-RELATED OFFENSE**”;

11 (2) by striking “Under regulations” and insert-
12 ing “Notwithstanding section 552a of title 5, United
13 States Code, and under regulations”;

14 (3) by striking “alleged sexual assault” and in-
15 serting “an alleged sex-related offense (as defined in
16 section 1044e(h) of title 10, United States Code)”;
17 and

18 (4) by adding at the end the following new sen-
19 tence: “Upon such final determination, the com-
20 mander shall notify the victim of the type of action
21 taken on such case, the outcome of the action (in-
22 cluding any punishments assigned or characteriza-
23 tion of service, as applicable), and such other infor-
24 mation as the commander determines to be rel-
25 evant.”

1 **SEC. 543. MODIFICATIONS TO ANNUAL REPORT REGARD-**
2 **ING SEXUAL ASSAULTS INVOLVING MEMBERS**
3 **OF THE ARMED FORCES.**

4 (a) **ELIMINATION OF SUNSET AND INCLUSION OF**
5 **DEMOGRAPHIC INFORMATION.—**

6 (1) **IN GENERAL.—**Section 1631 of the Ike
7 Skelton National Defense Authorization Act for Fis-
8 cal Year 2011 (Public Law 111–383; 10 U.S.C.
9 1561 note) is amended—

10 (A) in subsection (a), by striking “through
11 March 1, 2021” and inserting “through March
12 1, 2026”; and

13 (B) in subsection (b)—

14 (i) in paragraph (3), by inserting “the
15 race and ethnicity of the victim and ac-
16 cused,” before “the action”; and

17 (ii) in paragraph (13)(B), by inserting
18 “, including the race and ethnicity of the
19 victim and accused” before the period at
20 the end.

21 (2) **APPLICABILITY.—**The amendments made
22 by paragraph (1) shall apply with respect to reports
23 required to be submitted under section 1631 of the
24 Ike Skelton National Defense Authorization Act for
25 Fiscal Year 2011 (Public Law 111–383; 10 U.S.C.

1 1561 note) after the date of the enactment of this
2 Act.

3 (b) ADDITIONAL PREVALENCE DATA.—

4 (1) IN GENERAL.—Paragraph (8) of section
5 1631(b) of the Ike Skelton National Defense Au-
6 thorization Act for Fiscal Year 2011 (Public Law
7 111–383; 10 U.S.C. 1561 note) is amended to read
8 as follows:

9 “(8) An analysis and assessment of trends in
10 the incidence, disposition, and prosecution of sexual
11 assaults by units, commands and other competent
12 authorities, and installations during the year covered
13 by the report, including trends relating to—

14 “(A) the prosecution of incidents and
15 avoidance of incidents; and

16 “(B) the prevalence of incidents, set forth
17 separately for—

18 “(i) each installation with 5,000 or
19 more servicemembers;

20 “(ii) the major career fields of any in-
21 dividuals involved in such incidents, includ-
22 ing the fields of combat arms, aviation, lo-
23 gistics, maintenance, administration, and
24 medical; and

1 “(iii) in the case of the Navy, the
2 operational status (whether sea duty or
3 shore duty) of any individuals involved in
4 such incidents.”.

5 (2) APPLICABILITY.—The amendment made by
6 paragraph (1) shall apply with respect to reports re-
7 quired to be submitted under section 1631 of the Ike
8 Skelton National Defense Authorization Act for Fis-
9 cal Year 2011 (Public Law 111–383; 10 U.S.C.
10 1561 note) after January 1, 2023.

11 **SEC. 544. CIVILIAN POSITIONS TO SUPPORT SPECIAL VIC-**
12 **TIMS’ COUNSEL.**

13 (a) CIVILIAN SUPPORT POSITIONS.—Each Secretary
14 of a military department may establish one or more civil-
15 ian positions within each office of the Special Victims’
16 Counsel under the jurisdiction of such Secretary.

17 (b) DUTIES.—The duties of each position under sub-
18 section (a) shall be—

19 (1) to provide support to Special Victims’ Coun-
20 sel, including legal, paralegal, and administrative
21 support; and

22 (2) to ensure the continuity of legal services
23 and the preservation institutional knowledge in the
24 provision of victim legal services notwithstanding

1 transitions in the military personnel assigned to of-
2 fices of the Special Victims' Counsel.

3 (c) SPECIAL VICTIMS' COUNSEL DEFINED.—In this
4 section, the term “Special Victims' Counsel” means Spe-
5 cial Victims' Counsel described in section 1044e of title
6 10, United States Code, and in the case of the Navy and
7 Marine Corps, includes counsel designated as “Victims'
8 Legal Counsel”.

9 **SEC. 545. FEASIBILITY STUDY ON ESTABLISHMENT OF**
10 **CLEARINGHOUSE OF EVIDENCE-BASED PRAC-**
11 **TICES TO PREVENT SEXUAL ASSAULT, SUI-**
12 **CIDE, AND OTHER HARMFUL BEHAVIORS**
13 **AMONG MEMBERS OF THE ARMED FORCES**
14 **AND MILITARY FAMILIES.**

15 (a) STUDY.—The Secretary of Defense shall study
16 the feasibility of establishing a single, centralized clearing-
17 house of evidence-based practices to support the health
18 and well-being of members of the Armed Forces and mili-
19 tary families. and reduce harmful behaviors, through the
20 following activities:

21 (1) Establishment evidentiary standards to pro-
22 vide a common frame of reference for assessing the
23 strength of research evidence.

1 (2) In consultation with nondepartmental ex-
2 perts, identification of health and well-being domains
3 of interest, including the prevention of—

4 (A) sexual assault;

5 (B) harassment;

6 (C) substance abuse;

7 (D) workplace violence; and

8 (E) suicide.

9 (3) Provision of practical guidance about the ef-
10 fectiveness of evidence-based practices, including
11 how they can be implemented and steps for moni-
12 toring implementation and changes in behavior.

13 (b) REPORT.—Not later than six months after the
14 date of the enactment of this Act, the Secretary shall sub-
15 mit to the appropriate congressional committees a report
16 containing the results of the feasibility study under sub-
17 section (a) and related recommendations of the Secretary.

18 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means the following:

21 (1) The Committee on Armed Services of the
22 House of Representatives.

23 (2) The Committee on Armed Services of the
24 Senate.

1 (3) The Committee on Transportation and In-
2 frastructure of the House of Representatives.

3 (4) The Committee on Commerce, Science, and
4 Transportation of the Senate.

5 **SEC. 546. ANNUAL REPORT REGARDING SEXUAL ASSAULTS**
6 **INVOLVING MEMBERS OF THE ARMY NA-**
7 **TIONAL GUARD AND THE AIR NATIONAL**
8 **GUARD.**

9 (a) ANNUAL REPORTS.—Not later than one year
10 after the date of the enactment of this Act, and on an
11 annual basis thereafter, the Secretary of Defense shall
12 submit to the Committees on Armed Services of the Sen-
13 ate and the House of Representatives a report regarding
14 sexual assaults involving members of the Army National
15 Guard and the Air National Guard.

16 (b) ELEMENTS.—Each report under subsection (a)
17 shall include the following:

18 (1) The number of sexual assaults committed
19 against members of the Army National Guard and
20 the Air National Guard that were reported to mili-
21 tary officials during the year covered by the report,
22 and the number of cases that were substantiated.

23 (2) The number of sexual assaults committed
24 by members of the Army National Guard or the Air
25 National Guard that were reported to military offi-

1 cials during the year covered by the report, and the
2 number of the cases so reported that were substan-
3 tiated.

4 (3) A synopsis of each such substantiated case,
5 organized by offense, and, for each such case, the
6 action taken in the case, including the type of dis-
7 ciplinary or administrative sanction imposed, if any,
8 including courts-martial sentences, nonjudicial pun-
9 ishments administered by commanding officers pur-
10 suant to section 815 of title 10, United States Code
11 (article 15 of the Uniform Code of Military Justice),
12 and administrative separations.

13 (4) The policies, procedures, and processes im-
14 plemented by the Chief of the National Guard Bu-
15 reau during the year covered by the report in re-
16 sponse to incidents of sexual assault involving mem-
17 bers of the Army National Guard or the Air Na-
18 tional Guard.

19 (c) PRESENTATION OF CERTAIN INFORMATION.—
20 The information required under paragraphs (1) and (2)
21 of subsection (b) shall be set forth separately for each such
22 paragraph and may not be combined.

23 (d) CONSULTATION.—In preparing each report under
24 subsection (a), the Secretary of Defense shall consult
25 with—

1 (1) Under Secretary of Defense for Personnel
2 and Readiness;

3 (2) the Chief of the National Guard Bureau;
4 and

5 (3) the heads of such other organizations and
6 elements of the Department of Defense as the Sec-
7 retary determines appropriate.

8 **Subtitle F—Member Education,**
9 **Training, and Transition**

10 **SEC. 551. TRAINING ON CONSEQUENCES OF COMMITTING A**
11 **CRIME IN PRESEPARATION COUNSELING OF**
12 **THE TRANSITION ASSISTANCE PROGRAM.**

13 (a) ESTABLISHMENT.—Subsection (b) of section
14 1142 of title 10, United States Code, is amended by add-
15 ing at the end the following new paragraph:

16 “(20) Training regarding the consequences to
17 such a member who is convicted of a crime, specifi-
18 cally regarding the loss of benefits from the Federal
19 Government to such member.”.

20 (b) IMPLEMENTATION DATE.—The Secretary con-
21 cerned shall carry out paragraph (20) of such subsection,
22 as added by subsection (a), not later than one year after
23 the date of the enactment of this Act.

24 (c) DEVELOPMENT.—The Secretary of Defense shall
25 develop the training under such paragraph.

1 (d) PROGRESS BRIEFING.—Not later than 180 days
2 of the enactment of this Act, the Secretary of Defense
3 shall provide a briefing to the Committees on Armed Serv-
4 ices of the Senate and House of Representatives regarding
5 progress of the Secretary in preparing the training under
6 such paragraph.

7 **SEC. 552. AMENDMENTS TO PATHWAYS FOR COUNSELING**
8 **IN THE TRANSITION ASSISTANCE PROGRAM.**

9 Section 1142(c)(1) of title 10, United States Code,
10 is amended—

11 (1) in subparagraph (E), by striking “Dis-
12 ability” and inserting “Potential or confirmed med-
13 ical discharge of the member”;

14 (2) in subparagraph (F), by striking “Char-
15 acter” and all that follows and inserting “Potential
16 or confirmed involuntary separation of the mem-
17 ber.”;

18 (3) by redesignating subparagraph (M) as sub-
19 paragraph (R); and

20 (4) by inserting after subparagraph (L) the fol-
21 lowing:

22 “(M) Child care requirements of the member
23 (including whether a dependent of the member is en-
24 rolled in the Exceptional Family Member Program).

1 “(N) The employment status of other adults in
2 the household of the member.

3 “(O) The location of the duty station of the
4 member (including whether the member was sepa-
5 rated from family while on duty).

6 “(P) The effects of operating tempo and per-
7 sonnel tempo on the member and the household of
8 the member.

9 “(Q) Whether the member is an Indian or
10 urban Indian, as those terms are defined in section
11 4 of the Indian Health Care Improvement Act (Pub-
12 lic Law 94–437; 25 U.S.C. 1603).”.

13 **SEC. 553. PARTICIPATION OF MEMBERS OF THE RESERVE**
14 **COMPONENTS OF THE ARMED FORCES IN**
15 **THE SKILLBRIDGE PROGRAM.**

16 Section 1143(e)(2) of title 10, United States Code,
17 is amended to read as follows:

18 “(2) A member of the armed forces is eligible for a
19 program under this subsection if—

20 “(A) the member—

21 “(i) has completed at least 180 days on ac-
22 tive duty in the armed forces; and

23 “(ii) is expected to be discharged or re-
24 leased from active duty in the armed forces

1 within 180 days of the date of commencement
2 of participation in such a program; or

3 “(B) the member is a member of a reserve com-
4 ponent.”.

5 **SEC. 554. EXPANSION AND CODIFICATION OF MATTERS**
6 **COVERED BY DIVERSITY TRAINING IN THE**
7 **DEPARTMENT OF DEFENSE.**

8 (a) IN GENERAL.—Chapter 101 of title 10, United
9 States Code, is amended by inserting before section 2002
10 the following new section:

11 **“§ 2001. Human relations, diversity, equity, and inclu-**
12 **sion training**

13 “(a) HUMAN RELATIONS, DIVERSITY, EQUITY, AND
14 INCLUSION TRAINING.—

15 “(1) The Secretary shall ensure that the Sec-
16 retary of a military department conducts ongoing
17 training programs regarding human relations, diver-
18 sity, equity, and inclusion for all covered individuals
19 under the jurisdiction of the Secretary of a military
20 department. Such training shall be tailored to spe-
21 cific leadership levels and local area requirements.

22 “(2) Matters to be covered by such training in-
23 clude the following:

24 “(A) Racism.

1 “(B) Discrimination on the basis of sex
2 (including pregnancy, status as a nursing moth-
3 er, sexual orientation, and gender identity).

4 “(C) Discrimination on the basis of age.

5 “(D) Discrimination on the basis of reli-
6 gion.

7 “(E) Discrimination on the basis of na-
8 tional origin.

9 “(F) Discrimination on the basis of color.

10 “(G) Discrimination on the basis of paren-
11 tal status.

12 “(H) Conscious and unconscious bias.

13 “(I) Discrimination based on disability,
14 both physical and mental.

15 “(J) Failure to provide a reasonable ac-
16 commodation.

17 “(K) Whistleblowers and information re-
18 garding how to file an equal opportunity com-
19 plaint.

20 “(L) Reprisal.

21 “(M) Harassment and hostile environment.

22 “(N) Procedures for reporting and obtain-
23 ing relief for discrimination, retaliation, hostile
24 work environment with respect to each compo-
25 nent of the workforce.

1 “(O) Procedures for appealing Equal Op-
2 portunity and Equal Employment Opportunity
3 complaints with respect to each component of
4 the workforce.

5 “(P) Any other matter the Secretary of
6 Defense determines appropriate.

7 “(3) Such training shall be provided during the
8 following:

9 “(A) Initial entry training.

10 “(B) Annual refresher training.

11 “(C) Professional military education.

12 “(D) Peer education.

13 “(E) Specialized leadership training.

14 “(F) Any other time the Secretary of De-
15 fense determines appropriate.

16 “(4) The Secretary of Defense shall ensure that
17 such measures are taken to provide appropriate
18 metrics and measurement of these efforts.

19 “(5) The Secretary of Defense shall ensure that
20 unit commanders are aware of their responsibility to
21 ensure that activity based upon discriminatory mo-
22 tives does not occur in units under their command.

23 “(b) INFORMATION PROVIDED TO PROSPECTIVE RE-
24 CRUITS.—The Secretary of Defense shall ensure that a
25 covered individual preparing to enter an officer accession

1 program or to execute an original enlistment agreement
2 or serve as a civilian employee—

3 “(1) is provided information concerning the
4 meaning of the oath of office or oath of enlistment
5 for service in the armed forces, including conduct ex-
6 pected under such oath; and

7 “(2) is informed that if supporting such guar-
8 antees is not possible personally for that covered in-
9 dividual, then that covered individual should decline
10 to join the Armed Forces.

11 “(c) COVERED INDIVIDUAL DEFINED.—In this sec-
12 tion, the term ‘covered individual’ includes—

13 “(1) a member of the Armed Forces;

14 “(2) a civilian employee of the Department; and

15 “(3) a contractor or sub-contractor providing
16 support to the Department.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) TECHNICAL AMENDMENT.—The table of
19 sections at the beginning of such chapter is amended
20 by inserting before the item relating to section 2002
21 the following new item:

“2001. Human relations, diversity, equity, and inclusion training.”.

22 (2) CONFORMING AMENDMENT.—Section 571
23 of the National Defense Authorization Act for Fiscal
24 Year 1997 (Public Law 104–201; 10 U.S.C. 113
25 note) is repealed.

1 **SEC. 555. EXPANSION OF JUNIOR RESERVE OFFICERS'**
2 **TRAINING CORPS PROGRAM.**

3 (a) **EXPANSION OF JROTC CURRICULUM.**—Para-
4 graph (3) of section 2031(b) of title 10, United States
5 Code, is amended to read as follows:

6 “(3) the institution provides a course of mili-
7 tary instruction of not less than three academic
8 years’ duration, as prescribed by the Secretary of
9 the military department concerned—

10 “(A) which shall include an introduction to
11 service opportunities in military, national, and
12 public service; and

13 “(B) which may include instruction or ac-
14 tivities in the fields of science, technology, engi-
15 neering, and mathematics;”.

16 (b) **PLAN TO INCREASE NUMBER OF JROTC**
17 **UNITS.**—The Secretary of Defense may, in consultation
18 with the Secretaries of the military departments, develop
19 and implement a plan to establish and support not fewer
20 than 6,000 units of the Junior Reserve Officers’ Training
21 Corps by September 30, 2031.

22 (c) **REPORT REQUIRED.**—Not later than one year
23 after the date of the enactment of this Act, the Secretary
24 of Defense shall submit to the Committees on Armed Serv-
25 ices of the Senate and the House of Representatives a re-
26 port on the status of the Junior Reserve Officers’ Training

1 Corps programs of each Armed Force. The report shall
2 include—

3 (1) an assessment of the current usage of the
4 program, including the number of individuals en-
5 rolled in the program, the demographic information
6 of individuals enrolled in the program, and the num-
7 ber of units established under the program;

8 (2) a description of the efforts of the Armed
9 Forces to meet current enrollment targets for the
10 program;

11 (3) an explanation of the reasons such enroll-
12 ment targets have not been met, if applicable;

13 (4) a description of any obstacles preventing the
14 Armed Forces from meeting such enrollment targets;

15 (5) a comparison of the potential benefits and
16 drawbacks of expanding the program; and

17 (6) a description of program-wide diversity and
18 inclusion recruitment and retention efforts.

19 **SEC. 556. DEFENSE LANGUAGE INSTITUTE FOREIGN LAN-**
20 **GUAGE CENTER.**

21 (a) **AUTHORITY TO AWARD BACHELOR'S DE-**
22 **GREES.**—Section 2168 of title 10, United States Code, is
23 amended—

1 (1) in the section heading, by striking “**Asso-**
2 **ciate**” and inserting “**Associate or Bachelor**”;
3 and

4 (2) by amending subsection (a) to read as fol-
5 lows:

6 “(a) Subject to subsection (b), the Commandant of
7 the Defense Language Institute may confer—

8 “(1) an Associate of Arts degree in a foreign
9 language upon any graduate of the Foreign Lan-
10 guage Center of the Institute who fulfills the re-
11 quirements for that degree; or

12 “(2) a Bachelor of Arts degree in a foreign lan-
13 guage upon any graduate of the Foreign Language
14 Center of the Institute who fulfills the requirements
15 for that degree.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 108 of title 10, United States
18 Code, is amended by striking the item relating to section
19 2168 and inserting the following new item:

“2168. Defense Language Institute Foreign Language Center: degree of Asso-
ciate or Bachelor of Arts in foreign language.”.

1 **SEC. 557. ALLOCATION OF AUTHORITY FOR NOMINATIONS**
2 **TO THE MILITARY SERVICE ACADEMIES IN**
3 **THE EVENT OF THE DEATH, RESIGNATION,**
4 **OR EXPULSION FROM OFFICE OF A MEMBER**
5 **OF CONGRESS.**

6 (a) UNITED STATES MILITARY ACADEMY.—

7 (1) IN GENERAL.—Chapter 753 of title 10,
8 United States Code, is amended by inserting after
9 section 7442 the following new section:

10 **“§ 7442a. Cadets: nomination in event of death, res-**
11 **ignation, or expulsion from office of**
12 **member of Congress otherwise author-**
13 **ized to nominate**

14 “(a) SENATORS.—In the event a Senator does not
15 submit nominations for cadets for an academic year in ac-
16 cordance with section 7442(a)(3) of this title due to death,
17 resignation from office, or expulsion from office and the
18 date of the swearing-in of the Senator’s successor as Sen-
19 ator occurs after the date of the deadline for submittal
20 of nominations for cadets for the academic year, the nomi-
21 nations for cadets otherwise authorized to be made by the
22 Senator pursuant to such section shall be made instead
23 by the other Senator from the State concerned.

24 “(b) REPRESENTATIVES.—In the event a Representa-
25 tive from a State does not submit nominations for cadets
26 for an academic year in accordance with section

1 7442(a)(4) of this title due to death, resignation from of-
2 fice, or expulsion from office and the date of the swearing-
3 in of the Representative's successor as Representative oc-
4 curs after the date of the deadline for submittal of nomi-
5 nations for cadets for the academic year, the nominations
6 for cadets otherwise authorized to be made by the Rep-
7 resentative pursuant to such section shall be made instead
8 by the Senators from the State from the district of the
9 Representative, with such nominations divided equally
10 among such Senators and any remainder going to the sen-
11 ior Senator from the State.

12 “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-
13 tion for cadets made by a Senator pursuant to this section
14 is in addition to any nomination for cadets otherwise au-
15 thorized the Senator under section 7442 of this title or
16 any other provision of law.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of chapter 753 of such title
19 is amended by inserting after the item relating to
20 section 7442 the following new item:

“7442a. Cadets: nomination in event of death, resignation, or expulsion from of-
fice of member of Congress otherwise authorized to nominate.”.

21 (b) UNITED STATES NAVAL ACADEMY.—

22 (1) IN GENERAL.—Chapter 853 of title 10,
23 United States Code, is amended by inserting after
24 section 8454 the following new section:

1 **“§ 8454a. Midshipmen: nomination in event of death,**
2 **resignation, or expulsion from office of**
3 **member of Congress otherwise author-**
4 **ized to nominate**

5 “(a) SENATORS.—In the event a Senator does not
6 submit nominations for midshipmen for an academic year
7 in accordance with section 8454(a)(3) of this title due to
8 death, resignation from office, or expulsion from office and
9 the date of the swearing-in of the Senator’s successor as
10 Senator occurs after the date of the deadline for submittal
11 of nominations for midshipmen for the academic year, the
12 nominations for midshipmen otherwise authorized to be
13 made by the Senator pursuant to such section shall be
14 made instead by the other Senator from the State con-
15 cerned.

16 “(b) REPRESENTATIVES.—In the event a Representa-
17 tive from a State does not submit nominations for mid-
18 shipmen for an academic year in accordance with section
19 8454(a)(4) of this title due to death, resignation from of-
20 fice, or expulsion from office and the date of the swearing-
21 in of the Representative’s successor as Representative oc-
22 curs after the date of the deadline for submittal of nomi-
23 nations for midshipmen for the academic year, the nomi-
24 nations for midshipmen otherwise authorized to be made
25 by the Representative pursuant to such section shall be
26 made instead by the Senators from the State from the

1 district of the Representative, with such nominations di-
 2 vided equally among such Senators and any remainder
 3 going to the senior Senator from the State.

4 “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-
 5 tion for midshipmen made by a Senator pursuant to this
 6 section is in addition to any nomination for midshipmen
 7 otherwise authorized the Senator under section 8454 of
 8 this title or any other provision of law.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
 10 tions at the beginning of chapter 853 of such title
 11 is amended by inserting after the item relating to
 12 section 8454 the following new item:

“8454a. Midshipmen: nomination in event of death, resignation, or expulsion
 from office of member of Congress otherwise authorized to
 nominate.”.

13 (c) AIR FORCE ACADEMY.—

14 (1) IN GENERAL.—Chapter 953 of title 10,
 15 United States Code, is amended by inserting after
 16 section 9442 the following new section:

17 **“§ 9442a. Cadets: nomination in event of death, res-**
 18 **ignation, or expulsion from office of**
 19 **member of Congress otherwise author-**
 20 **ized to nominate**

21 “(a) SENATORS.—In the event a Senator does not
 22 submit nominations for cadets for an academic year in ac-
 23 cordance with section 9442(a)(3) of this title due to death,
 24 resignation from office, or expulsion from office and the

1 date of the swearing-in of the Senator's successor as Sen-
2 ator occurs after the date of the deadline for submittal
3 of nominations for cadets for the academic year, the nomi-
4 nations for cadets otherwise authorized to be made by the
5 Senator pursuant to such section shall be made instead
6 by the other Senator from the State concerned.

7 “(b) REPRESENTATIVES.—In the event a Representa-
8 tive from a State does not submit nominations for cadets
9 for an academic year in accordance with section
10 9442(a)(4) of this title due to death, resignation from of-
11 fice, or expulsion from office and the date of the swearing-
12 in of the Representative's successor as Representative oc-
13 curs after the date of the deadline for submittal of nomi-
14 nations for cadets for the academic year, the nominations
15 for cadets otherwise authorized to be made by the Rep-
16 resentative pursuant to such section shall be made instead
17 by the Senators from the State from the district of the
18 Representative, with such nominations divided equally
19 among such Senators and any remainder going to the sen-
20 ior Senator from the State.

21 “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-
22 tion for cadets made by a Senator pursuant to this section
23 is in addition to any nomination of cadets otherwise au-
24 thorized the Senator under section 9442 of this title or
25 any other provision of law.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 953 of such title
3 is amended by inserting after the item relating to
4 section 9442 the following new item:

“9442a. Cadets: nomination in event of death, resignation, or expulsion from of-
 fice of member of Congress otherwise authorized to nominate.”.

5 (d) REPORT.—Not later than September 30, 2022,
6 the Secretary of Defense shall submit to the Committees
7 on Armed Services of the Senate and House of Represent-
8 atives a report regarding implementation of the amend-
9 ments under this section, including—

10 (1) the estimate of the Secretary regarding the
11 frequency with which the authorities under such
12 amendments will be used each year; and

13 (2) the number of times a Member of Congress
14 has failed to submit nominations to the military
15 academies due to death, resignation from office, or
16 expulsion from office.

17 **SEC. 558. VOTES REQUIRED TO CALL A MEETING OF THE**
18 **BOARD OF VISITORS OF A MILITARY SERVICE**
19 **ACADEMY.**

20 (a) UNITED STATES MILITARY ACADEMY.—Section
21 7455 of title 10, United States Code, is amended by add-
22 ing at the end the following new subsection:

23 “(i) A majority of the members of the Board may
24 call an official meeting of the Board at any time.”.

1 (b) UNITED STATES NAVAL ACADEMY.—Section
2 8468 of title 10, United States Code, is amended by add-
3 ing at the end the following new subsection:

4 “(i) A majority of the members of the Board may
5 call an official meeting of the Board at any time.”.

6 (c) UNITED STATES AIR FORCE ACADEMY.—Section
7 9455 of title 10, United States Code, is amended by add-
8 ing at the end the following new subsection:

9 “(i) A majority of the members of the Board may
10 call an official meeting of the Board at any time.”.

11 **SEC. 559. UNITED STATES NAVAL COMMUNITY COLLEGE.**

12 (a) ESTABLISHMENT.—Chapter 859 of title 10,
13 United States Code, is amended by adding at the end the
14 following new section:

15 **“§ 8595. United States Naval Community College: es-**
16 **tablishment and degree granting author-**
17 **ity**

18 “(a) ESTABLISHMENT AND FUNCTION.—There is a
19 United States Naval Community College. The primary
20 function of such College shall be to provide—

21 “(1) programs of academic instruction and pro-
22 fessional and technical education for individuals de-
23 scribed in subsection (b) in—

24 “(A) academic and technical fields of the
25 liberal arts and sciences which are relevant to

1 the current and future needs of the Navy and
2 Marine Corps, including in designated fields of
3 national and economic importance such as cy-
4 bersecurity, artificial intelligence, machine
5 learning, data science, and software engineer-
6 ing; and

7 “(B) their practical duties;

8 “(2) remedial, developmental, or continuing
9 education programs, as prescribed by the Secretary
10 of the Navy, which are necessary to support, main-
11 tain, or extend programs under paragraph (1);

12 “(3) support and advisement services for indi-
13 viduals pursuing such programs; and

14 “(4) continuous monitoring of the progress of
15 such individuals.

16 “(b) INDIVIDUALS ELIGIBLE FOR PROGRAMS.—Sub-
17 ject to such other eligibility requirements as the Secretary
18 of the Navy may prescribe, the following individuals are
19 eligible to participate in programs and services under sub-
20 section (a):

21 “(1) Enlisted members of the Navy and Marine
22 Corps.

23 “(2) Officers of the Navy and Marine Corps
24 who hold a commission but have not completed a
25 postsecondary degree.

1 “(3) Civilian employees of the Department of
2 the Navy.

3 “(4) Other individuals, as determined by the
4 Secretary of the Navy, so long as access to programs
5 and services under subsection (a) by such individuals
6 is—

7 “(A) in alignment with the mission of the
8 United States Naval Community College; and

9 “(B) determined to support the mission or
10 needs of the Department of the Navy.

11 “(c) DEGREE AND CREDENTIAL GRANTING AUTHOR-
12 ITY.—

13 “(1) IN GENERAL.—Under regulations pre-
14 scribed by the Secretary of the Navy, the head of
15 the United States Naval Community College may,
16 upon the recommendation of the directors and fac-
17 ulty of the College, confer appropriate degrees or
18 academic credentials upon graduates who meet the
19 degree or credential requirements.

20 “(2) LIMITATION.—A degree or credential may
21 not be conferred under this subsection unless—

22 “(A) the Secretary of Education has rec-
23 ommended approval of the degree or credential
24 in accordance with the Federal Policy Gov-

1 erning Granting of Academic Degrees by Fed-
2 eral Agencies; and

3 “(B) the United States Naval Community
4 College is accredited by the appropriate civilian
5 academic accrediting agency or organization to
6 award the degree or credential, as determined
7 by the Secretary of Education.

8 “(3) CONGRESSIONAL NOTIFICATION REQUIRE-
9 MENTS.—

10 “(A) When seeking to establish degree or
11 credential granting authority under this sub-
12 section, the Secretary of Defense shall submit
13 to the Committees on Armed Services of the
14 Senate and House of Representatives—

15 “(i) a copy of the self assessment
16 questionnaire required by the Federal Pol-
17 icy Governing Granting of Academic De-
18 grees by Federal Agencies, at the time the
19 assessment is submitted to the Department
20 of Education’s National Advisory Com-
21 mittee on Institutional Quality and Integ-
22 rity; and

23 “(ii) the subsequent recommendations
24 and rationale of the Secretary of Edu-

1 cation regarding the establishment of the
2 degree or credential granting authority.

3 “(B) Upon any modification or redesigna-
4 tion of existing degree or credential granting
5 authority, the Secretary of Defense shall submit
6 to the Committees on Armed Services of the
7 Senate and House of Representatives a report
8 containing the rationale for the proposed modi-
9 fication or redesignation and any subsequent
10 recommendation of the Secretary of Education
11 on the proposed modification or redesignation.

12 “(C) The Secretary of Defense shall sub-
13 mit to the Committees on Armed Services of
14 the Senate and House of Representatives a re-
15 port containing an explanation of any action by
16 the appropriate academic accrediting agency or
17 organization not to accredit the United States
18 Naval Community College to award any new or
19 existing degree or credential.

20 “(d) CIVILIAN FAULTY MEMBERS.—

21 “(1) AUTHORITY OF SECRETARY.—The Sec-
22 retary of the Navy may employ as many civilians as
23 professors, instructors, and lecturers at the United
24 States Naval Community College as the Secretary
25 considers necessary.

1 “(2) COMPENSATION.—The compensation of
2 persons employed under this subsection shall be pre-
3 scribed by the Secretary of the Navy.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 859 of title 10, United States
6 Code, is amended by adding at the end the following new
7 item:

 “8595. United States Naval Community College: establishment and degree
 granting authority.”.

8 **SEC. 559A. CODIFICATION OF ESTABLISHMENT OF UNITED**
9 **STATES AIR FORCE INSTITUTE OF TECH-**
10 **NOLOGY.**

11 (a) IN GENERAL.—Chapter 951 of title 10, United
12 States Code, is amended by inserting before section 9414
13 the following new section:

14 **“§ 9413. United States Air Force Institute of Tech-**
15 **nology: establishment**

16 “There is in the Department of the Air Force a
17 United States Air Force Institute of Technology, the pur-
18 poses of which are to perform research and to provide,
19 to members of the Air Force and Space Force (including
20 the reserve components) and civilian employees of such
21 Department, advanced instruction and technical education
22 regarding their duties.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by inserting,

1 before the item relating to section 9414, the following new
2 item:

“9413. United States Air Force Institute of Technology: establishment.”.

3 **SEC. 559B. CLARIFICATIONS REGARDING SCOPE OF EM-**
4 **PLOYMENT AND REEMPLOYMENT RIGHTS OF**
5 **MEMBERS OF THE UNIFORMED SERVICES.**

6 (a) CLARIFICATION REGARDING DEFINITION OF
7 RIGHTS AND BENEFITS.—Section 4303(2) of title 38,
8 United States Code, is amended—

9 (1) by inserting “(A)” before “The term”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(B) Any procedural protections or provisions
13 set forth in this chapter shall also be considered a
14 right or benefit subject to the protection of this
15 chapter.”.

16 (b) CLARIFICATION REGARDING RELATION TO
17 OTHER LAW AND PLANS FOR AGREEMENTS.—Section
18 4302 of such title is amended by adding at the end the
19 following:

20 “(c)(1) Pursuant to this section and the procedural
21 rights afforded by subchapter III of this chapter, any
22 agreement to arbitrate a claim under this chapter is unen-
23 forceable, unless all parties consent to arbitration after a
24 complaint on the specific claim has been filed in court or
25 with the Merit Systems Protection Board and all parties

1 knowingly and voluntarily consent to have that particular
2 claim subjected to arbitration.

3 “(2) For purposes of this subsection, consent shall
4 not be considered voluntary when a person is required to
5 agree to arbitrate an action, complaint, or claim alleging
6 a violation of this chapter as a condition of future or con-
7 tinued employment, advancement in employment, or re-
8 ceipt of any right or benefit of employment.”.

9 **SEC. 559C. CLARIFICATION AND EXPANSION OF PROHIBI-**
10 **TION ON GENDER-SEGREGATED TRAINING IN**
11 **THE MARINE CORPS.**

12 Section 565 of the National Defense Authorization
13 Act for Fiscal Year 2020 (10 U.S.C. 8431 note prec.) is
14 amended—

15 (1) in the heading, by inserting “**AND OFFI-**
16 **CER CANDIDATES SCHOOL**” after “**DEPOTS**”;

17 (2) in subsection (a)(1)—

18 (A) by striking “training” and inserting
19 “no training platoon”; and

20 (B) by striking “not”;

21 (3) in subsection (b)(1)—

22 (A) by striking “training” and inserting
23 “no training platoon”; and

24 (B) by striking “not”; and

1 (4) by adding at the end the following new sub-
2 sections:

3 “(c) NEW LOCATION.—No training platoon at a Ma-
4 rine Corps recruit depot established after the date of the
5 enactment of this Act may be segregated based on gender.

6 “(d) OFFICER CANDIDATES SCHOOL.—

7 “(1) PROHIBITION.—Subject to paragraph (2),
8 training at Officer Candidates School, Quantico, Vir-
9 ginia, may not be segregated based on gender.

10 “(2) DEADLINE.—The Commandant of the Ma-
11 rine Corps shall carry out this subsection not later
12 than five years after the date of the enactment of
13 this Act.”.

14 **SEC. 559D. REQUIREMENT TO ISSUE REGULATIONS ENSUR-**
15 **ING CERTAIN PARENTAL GUARDIANSHIP**
16 **RIGHTS OF CADETS AND MIDSHIPMEN.**

17 (a) REGULATIONS REQUIRED.—

18 (1) IN GENERAL.—Each Secretary concerned
19 shall prescribe by regulation policies ensuring that
20 the parental guardianship rights of cadets and mid-
21 shipmen are protected consistent with individual and
22 academic responsibilities.

23 (2) PROTECTION OF PARENTAL GUARDIANSHIP
24 RIGHTS.—The regulations prescribed under para-
25 graph (1) shall provide that—

1 (A) a cadet or midshipman of a covered
2 service academy may not be required to give up
3 such cadet or midshipman's parental guardian-
4 ship rights in the event of a pregnancy occur-
5 ring after the beginning of such cadet or mid-
6 shipman's first day of academic courses;

7 (B) except as provided under paragraph
8 (3), a covered service academy may not involun-
9 tarily dis-enroll a cadet or midshipman who be-
10 comes pregnant or fathers a child while enrolled
11 at such academy after the first day of academic
12 courses; and

13 (C) a cadet or midshipman who becomes
14 pregnant or fathers a child while enrolled at a
15 covered service academy shall be allowed to take
16 leave for up to one year and return to the acad-
17 emy to resume classes afterward.

18 (3) RESPONSIBILITIES OF PARENTS ENROLLED
19 AT COVERED SERVICE ACADEMIES.—The regulations
20 prescribed under paragraph (1) shall require cadets
21 and midshipmen with dependents to establish a fam-
22 ily care plan in consultation with and approved by
23 appropriate academy leadership. The family care
24 plan shall—

1 (A) designate a full-time care provider,
2 such as another parent or guardian of the de-
3 pendent or a family member of the cadet or
4 midshipman, who shall—

5 (i) be responsible for the dependent;

6 (ii) not be enrolled at a covered serv-
7 ice academy; and

8 (iii) have either full power-of-attorney
9 or guardianship rights in order to prevent
10 situations where such cadet or midshipman
11 is pulled away from such cadet or mid-
12 shipman's duties and responsibilities at the
13 covered service academy;

14 (B) ensure that such cadet or mid-
15 shipman—

16 (i) does not rely on base facilities or
17 child-care services and is able to function
18 as any other cadet or midshipman, includ-
19 ing residing in covered service academy
20 dormitories;

21 (ii) except as provided under para-
22 graphs (4) and (5)(B)(i), does not receive
23 additional compensation benefits or conces-
24 sions from the covered service academy on

1 account of having a dependent, including
2 money, leave, or liberty;

3 (iii) is not be excused on account of
4 such dependent from standard classes,
5 training, traveling, fitness requirements, or
6 any other responsibilities inherent to at-
7 tending a covered service academy; and

8 (C) ensure, that if both parents of a de-
9 pendent are cadets or midshipmen at a covered
10 service academy, the parents shall agree on the
11 family care plan or face expulsion (with no in-
12 curred obligations).

13 (4) OPTIONS FOR PREGNANT CADETS AND MID-
14 SHIPMEN.—The regulations prescribed under para-
15 graph (1) shall provide that females becoming preg-
16 nant while enrolled at a covered service academy
17 shall have, at a minimum, the following options:

18 (A) At the conclusion of the current semes-
19 ter or when otherwise deemed medically appro-
20 priate, taking leave from the covered service
21 academy for up to one year followed by a return
22 to full cadet or midshipman status.

23 (B) Seek a transfer to a university with a
24 Reserve Officers' Training Corps for the Armed
25 Force under the military department concerned.

1 (C) Full release from the covered service
2 academy and any related obligations.

3 (D) Enlistment in active-duty service, with
4 all of the attendant benefits.

5 (5) TREATMENT OF MALES FATHERING A
6 CHILD WHILE ENROLLED AT COVERED SERVICE
7 ACADEMIES.—The regulations prescribed under
8 paragraph (1) shall provide that males fathering a
9 child while enrolled at a covered service academy—

10 (A) shall not be required to give up paren-
11 tal rights; and

12 (B) shall not acquire any benefits or leave
13 considerations as a result of fathering a child,
14 except that—

15 (i) academy leadership shall establish
16 policies to allow cadets and midshipmen at
17 least one week of leave to attend the birth
18 of such child, which must be used in con-
19 junction with the birth; and

20 (ii) in the event the male father be-
21 comes the sole financial provider for a de-
22 pendent, the academy shall provide the fa-
23 ther the same options available to a cadet
24 or midshipman who becomes a mother
25 while enrolled, including remaining enrolled

1 in accordance with a family care plan es-
2 tablished pursuant to paragraph (3) or se-
3 lecting one of the options specified in sub-
4 paragraphs (B) and (C) of paragraph (4).

5 (6) RULE OF CONSTRUCTION.—Nothing in this
6 section shall be construed as requiring or providing
7 for the changing of admission requirements at any
8 of the covered service academies.

9 (b) DEFINITIONS.—In this section:

10 (1) The term “covered service academy” means
11 the following:

12 (A) The United States Military Academy,
13 West Point, New York.

14 (B) The United States Naval Academy,
15 Annapolis, Maryland.

16 (C) The United States Air Force Academy,
17 Colorado Springs, Colorado.

18 (D) The United States Coast Guard Acad-
19 emy, New London, Connecticut.

20 (E) The United States Merchant Marine
21 Academy, Kings Point, New York.

22 (2) The term “Secretary concerned” means—

23 (A) with respect to the United States Mili-
24 tary Academy, the United States Naval Acad-
25 emy, and the United States Air Force Academy,

1 the Secretary of Defense, in consultation with
2 the Secretaries of the military departments and
3 the Superintendent of each such academy;

4 (B) with respect to the United States
5 Coast Guard Academy, the Secretary of Home-
6 land Security, in consultation with the Com-
7 mandant of the Coast Guard and the Super-
8 intendent of the Coast Guard Academy; and

9 (C) with respect to the United States Mer-
10 chant Marine Academy, the Secretary of Trans-
11 portation, in consultation with the Adminis-
12 trator of the Maritime Administration and the
13 Superintendent of the Merchant Marine Acad-
14 emy.

15 **SEC. 559E. DEFENSE LANGUAGE CONTINUING EDUCATION**
16 **PROGRAM.**

17 (a) IN GENERAL.—Not later than 120 days after the
18 date of the enactment of this Act, the Under Secretary
19 of Defense for Personnel and Readiness shall coordinate
20 with the Director of the Defense Intelligence Agency to
21 designate an executive agent for commercially available
22 advanced foreign language training to meet operational
23 readiness requirements of the Department of Defense.

24 (b) ELEMENTS.—The executive agent designated in
25 subsection (a) shall be responsible for the following:

1 (1) Developing policies, procedures, and cur-
2 ricula to allow for continuing language training
3 when linguists transition to operational environ-
4 ments from education or training environments,
5 such as the Defense Language Institute, the Defense
6 Language and National Security Education Office,
7 or service-based training.

8 (2) Identifying the resourcing requirements nec-
9 essary for each armed force to have access to the
10 following foreign language training elements:

11 (A) A foreign language and current culture
12 training and maintenance virtual immersion
13 program covering strategic languages (as des-
14 ignated by the Federal Government), with a
15 range of multimedia materials including—

16 (i) current and authentic copyrighted
17 multimedia content (video, audio, print,
18 etc.), in multiple genres, that have been
19 cleared for legal use;

20 (ii) foreign-originated newscasts and
21 interviews with foreign speakers; and

22 (iii) any other content determined by
23 the executive agent to be necessary for per-
24 sonnel to acquire proper vocabulary, phra-
25 seology, and enhanced understanding of

1 the nuances associated with foreign cul-
2 tures.

3 (B) Anytime accessibility, both on-line and
4 via mobile device.

5 (C) Training programs with success proven
6 by previous partnerships with academic institu-
7 tions in the United States or other departments
8 and agencies of the Federal Government.

9 (c) REIMBURSEMENT AUTHORITY.—Not later than
10 180 days after the date of the enactment of this Act, the
11 executive agent, in coordination with the chief of each cov-
12 ered Armed Force, shall establish a procedure through
13 which the Armed Force shall reimburse any organization
14 of the Department of Defense that provides instruction
15 under this section to members of that Armed Force for
16 the costs of such instruction.

17 (d) COVERED ARMED FORCE DEFINED.—In this sec-
18 tion, the term “covered Armed Force” means the Army,
19 Navy, Air Force, Marine Corps, and Space Force.

20 **SEC. 559F. PUBLIC-PRIVATE CONSORTIUM TO IMPROVE**
21 **PROFESSIONAL MILITARY EDUCATION.**

22 (a) ESTABLISHMENT.—The Secretary of Defense,
23 acting through the Chairman of the Joint Chiefs of Staff
24 and in consultation with the Under Secretary of Defense
25 for Personnel and Readiness, may establish and maintain

1 a public-private consortium (referred to in this section as
2 the “Consortium”) to improve and broaden professional
3 military education for military officers and civilian em-
4 ployees of the Federal Government.

5 (b) DIRECTORS.—

6 (1) IN GENERAL.—The President of the Na-
7 tional Defense University and the head of a civilian
8 institution of higher education appointed in accord-
9 ance with paragraph (3) shall serve as co-directors
10 of the Consortium.

11 (2) RESPONSIBILITIES OF CO-DIRECTORS.—The
12 co-directors shall be responsible for—

13 (A) the administration and management of
14 the Consortium; and

15 (B) developing a common curriculum for
16 professional military education using input re-
17 ceived from members of the Consortium.

18 (3) APPOINTMENT OF CO-DIRECTOR FROM CI-
19 VILIAN INSTITUTION.—Not later than June 1, 2022,
20 the Secretary of Defense shall appoint an individual
21 who is the President or Chancellor of a civilian insti-
22 tution of higher education to serve as co-director of
23 the Consortium as described in paragraph (1).

24 (4) TERM OF CO-DIRECTOR.—The co-director
25 appointed under paragraph (3) shall serve an initial

1 term of five years. The Secretary of Defense may re-
2 reappoint such co-director for one or more additional
3 terms of not more than five years, as the Secretary
4 determines appropriate.

5 (5) AUTHORITY.—In the event that a conflict
6 arises between co-directors of the Consortium, the
7 conflict shall be resolved by the Director for Joint
8 Force Development of the Joint Chiefs of Staff (J-
9 7).

10 (c) ACTIVITIES OF CONSORTIUM.—The Consortium
11 shall carry out the following activities:

12 (1) Bring the military education system (includ-
13 ing military service academies, institutions that pro-
14 vide professional military education, and other insti-
15 tutions the provide military education) together with
16 a broad group of civilian institutions of higher edu-
17 cation, policy research institutes, and the commercial
18 sector to develop and continually update a research-
19 based curriculum to prepare early career, mid-ca-
20 reer, and senior military officers and civilian employ-
21 ees of the Federal Government to succeed in an era
22 that will be predominantly defined by great power
23 competition and in which security challenges will
24 transcend the traditional areas of defense expertise,
25 becoming more complex and inter-related than be-

1 fore, with disruptions that will manifest rapidly and
2 with little warning.

3 (2) Train military officers and civilian edu-
4 cators serving in the joint professional military edu-
5 cation system to implement the curriculum developed
6 under paragraph (2) at the institutions they serve.

7 (3) On a regular basis, make recommendations
8 to the Secretary about how the joint professional
9 military education system should be modified to
10 meet the challenges of apparent or possible future
11 defense, national security, and international environ-
12 ments.

13 (d) MEMBERS.—The Consortium shall be composed
14 of representatives selected by the Secretary of Defense
15 from the following organizations:

16 (1) Organizations within the joint professional
17 military education system.

18 (2) Military service academies.

19 (3) Other institutions of the Federal Govern-
20 ment that provide military education.

21 (4) Civilian institutions of higher education.

22 (5) Private sector and government policy re-
23 search institutes.

1 (6) Organizations in the commercial sector, in-
2 cluding organizations from the industrial, finance,
3 and technology sectors.

4 (e) ANNUAL REPORT.—Not later than September 30,
5 2023, and annually thereafter, the co-directors of the Con-
6 sortium shall submit to the Secretary of Defense and the
7 appropriate congressional committees a report that de-
8 scribes the activities carried out by the Consortium during
9 the preceding year.

10 (f) DEFINITIONS.—In this section:

11 (1) The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Armed Services and
14 the Committee on Transportation and Infra-
15 structure of the House of Representatives; and

16 (B) the Committee on Armed Services and
17 the Committee on the Environment and Public
18 Works of the Senate.

19 (2) The term “civilian institution of higher edu-
20 cation” means an institution of higher education (as
21 defined in section 101 of the Higher Education Act
22 of 1965 (20 U.S.C. 1001)) that is not owned or con-
23 trolled by the Federal Government.

1 **SEC. 559G. STANDARDS FOR TRAINING OF SURFACE WAR-**
2 **FARE OFFICERS AND ENLISTED MEMBERS.**

3 (a) ESTABLISHMENT.—Not later than September 30,
4 2022, the Secretary of the Navy shall establish standards
5 and procedures (subject to subsection (b)) by which a
6 Navy surface warfare officer or enlisted member of the
7 Navy who serves in a bridge or engine department may
8 be issued a merchant mariner credential in accordance
9 with part E of subtitle II of title 46, United States Code,
10 including—

11 (1) a merchant mariner credential with a na-
12 tional officer endorsement under section 10.109(a)
13 of title 46, Code Federal Regulations, as in effect on
14 the date of the enactment of this Act;

15 (2) a national rating endorsement under sub-
16 section (b) or (c) of section 10.109 of such title; or

17 (3) a Standards of Training, Certification, and
18 Watchkeeping endorsement under section 10.109 (d)
19 of such title.

20 (b) STRINGENCY.—In no case shall the standards de-
21 scribed in subsection (a) be less stringent than the stand-
22 ards applied by the Army, Military Sealift Command, or
23 Coast Guard vessel operators.

24 (c) REPORT.—Upon establishment under subsection
25 (a), the Secretary of the Navy shall submit to the appro-
26 priate congressional committees a report that updates the

1 military-to-mariner transition provided in response to sec-
2 tion 568 of the National Defense Authorization Act for
3 Fiscal Year 2017 (Public Law 114–328) that includes—

4 (1) a description of the how the training pro-
5 gram for surface warfare officers exceeds the min-
6 imum requirements for a merchant mariner creden-
7 tial with an appropriate endorsement—

8 (A) meets the requirements for a merchant
9 mariner credential with an appropriate endorse-
10 ment; and

11 (B) exceeds such requirements;

12 (2) a list of the proposed naval curriculum
13 courses that have been submitted to the National
14 Maritime Center for course credentialing approval;
15 and

16 (3) a timeline for—

17 (A) all personnel described in subsection
18 (b)(1) to be qualified to be issued merchant
19 mariner credentials with national officer and
20 ratings endorsements; and

21 (B) 50 percent of such personnel to receive
22 such credential with Standards of Training,
23 Certification, and Watchkeeping endorsement.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means the following:

4 (1) The congressional defense committees (as
5 that term is defined in section 101 of title 10,
6 United States Code).

7 (2) The Committee on Transportation and In-
8 frastructure of the House of Representatives.

9 (3) The Committee on Commerce, Science, and
10 Transportation of the Senate.

11 **SEC. 559H. PROFESSIONAL MILITARY EDUCATION: REPORT;**

12 **DEFINITION.**

13 (a) REPORT.—

14 (1) IN GENERAL.—Not later than July 1, 2022,
15 the Secretary of Defense, in consultation with the
16 Chairman of the Joint Chiefs of Staff, shall submit
17 to the Committees on Armed Services of the Senate
18 and the House of Representatives a report setting
19 forth the results of a review and assessment of the
20 definition of professional military education in the
21 Department of Defense and the military depart-
22 ments as specified in subsection (c).

23 (2) ELEMENTS.—The report under this sub-
24 section shall include the following elements:

1 (A) A consolidated summary of all defini-
2 tions of the term “professional military edu-
3 cation” used in the Department of Defense and
4 the military departments.

5 (B) A description of how such term is used
6 in the Department of Defense in educational in-
7 stitutions, associated schools, programs, think
8 tanks, research centers, and support activities.

9 (C) An analysis of how such term—

10 (i) applies to tactical, operational, and
11 strategic settings; and

12 (ii) is linked to mission requirements.

13 (D) An analysis of how professional mili-
14 tary education has been applied and linked
15 through all levels of Department of Defense
16 education and training.

17 (E) The applicability of professional mili-
18 tary education to the domains of warfare, in-
19 cluding land, air, sea, space, and cyber.

20 (F) With regards to online and virtual
21 learning in professional military education—

22 (i) an analysis of the use of such
23 learning; and

24 (ii) student satisfaction in comparison
25 to traditional classroom learning.

1 (b) DEFINITION.—Not later than one year after the
2 date of the enactment of this Act, the Secretary of De-
3 fense, in coordination with the Chairman of the Joint
4 Chiefs of Staff and the Secretaries of the military depart-
5 ments, using the report under subsection (a), shall stand-
6 ardize the definition of “professional military education”
7 across the military departments and the Department of
8 Defense.

9 **SEC. 559I. STUDY ON TRAINING AND EDUCATION OF MEM-**
10 **BERS OF THE ARMED FORCES REGARDING**
11 **SOCIAL REFORM AND UNHEALTHY BEHAV-**
12 **IORS.**

13 (a) STUDY.—Not later than April 1, 2022, the Sec-
14 retary of Defense, in consultation with the Secretaries of
15 the military departments, shall conduct a study on train-
16 ing and courses of education offered to covered members
17 regarding—

- 18 (1) sexual assault;
- 19 (2) sexual harassment;
- 20 (3) extremism;
- 21 (4) domestic violence;
- 22 (5) diversity, equity, and inclusion;
- 23 (6) military equal opportunity;
- 24 (7) suicide prevention; and
- 25 (8) substance abuse.

1 (b) ELEMENTS.—The study under subsection (a)
2 shall identify, with regard to each training or course of
3 education, the following:

4 (1) Sponsor.

5 (2) Location.

6 (3) Method.

7 (4) Frequency.

8 (5) Number of covered members who have par-
9 ticipated.

10 (6) Legislation, regulation, instruction, or guid-
11 ance that requires such training or course (if appli-
12 cable).

13 (7) Metrics of—

14 (A) performance;

15 (B) effectiveness; and

16 (C) data collection.

17 (8) Responsibilities of the Secretary of Defense
18 or Secretary of a military department to—

19 (A) communicate with non-departmental
20 entities;

21 (B) process feedback from trainers, train-
22 ees, and such entities;

23 (C) connect such training or course to tac-
24 tical, operational, and strategic goals; and

1 (D) connect such training or course to
2 other training regarding social reform and
3 unhealthy behavior.

4 (9) Analyses of—

5 (A) whether the metrics described in para-
6 graph (7) are standardized across the military
7 departments;

8 (B) mechanisms used to engage non-de-
9 partmental entities to assist in the development
10 of such training or courses;

11 (C) incentives used to ensure the effective-
12 ness of such training or courses;

13 (D) how each training or courses is in-
14 tended to change behavior; and

15 (E) costs of such training and courses.

16 (10) Recommendations of the Secretary of De-
17 fense to improve such training or courses, including
18 the estimated costs to implement such improve-
19 ments.

20 (11) Any other information the Secretary of
21 Defense determines relevant.

22 (c) REPORT.—Not later than July 1, 2022, the Sec-
23 retary of Defense shall submit to the Committees on
24 Armed Services of the Senate and House of Representa-

1 tives a report on the results of the study under this sec-
2 tion.

3 (d) COVERED MEMBER DEFINED.—In this section,
4 the term “covered member” means a member of an Armed
5 Force under the jurisdiction of the Secretary of a military
6 department.

7 **SEC. 559J. NOTICE PROGRAM RELATING TO OPTIONS FOR**
8 **NATURALIZATION.**

9 (a) UPON ENLISTMENT.—Every military recruiter or
10 officer overseeing an enlistment shall provide to every re-
11 cruit proper notice of that recruit’s options for naturaliza-
12 tion under title III of the Immigration and Nationality
13 Act (8 U.S.C. 1401 et seq.), and shall inform the recruit
14 of existing programs or services that may aid in the re-
15 cruit’s naturalization process, including directing the re-
16 cruit to the Judge Advocate General or other designated
17 point-of-contact for naturalization.

18 (b) UPON DISCHARGE.—The Secretary of Homeland
19 Security, acting through the Director of U.S. Citizenship
20 and Immigration Services, and in coordination with the
21 Secretary of Defense, shall provide to every former mem-
22 ber of the Armed Forces, upon separation from the Armed
23 Forces, an adequate notice of that former member’s op-
24 tions for naturalization under title III of the Immigration
25 and Nationality Act (8 U.S.C. 1401 et seq.), and shall

1 inform the former member of existing programs and serv-
2 ices that may aid in the naturalization process. The Sec-
3 retary shall issue along with this notice a copy of each
4 form required for naturalization. When appropriate, the
5 Secretary of Defense shall provide the former member, at
6 no expense to the former member, with the certification
7 described in section 329(b)(3) of such Act (8 U.S.C.
8 1440(b)(3)).

9 **SEC. 559K. PILOT PROGRAM ON ACTIVITIES UNDER THE**
10 **TRANSITION ASSISTANCE PROGRAM FOR A**
11 **REDUCTION IN SUICIDE AMONG VETERANS.**

12 (a) **PILOT PROGRAM REQUIRED.**—The Secretary of
13 Defense and the Secretary of Veterans Affairs shall jointly
14 carry out a pilot program to assess the feasibility and ad-
15 visability of providing the module described in subsection
16 (b) and the services described in subsection (c) as part
17 of the Transition Assistance Program for members of the
18 Armed Forces participating in the Transition Assistance
19 Program as a means of reducing the incidence of suicide
20 among veterans.

21 (b) **MODULE.**—The module described in this sub-
22 section is a three-hour module under the Transition As-
23 sistance Program for each member of the Armed Forces
24 participating in the pilot program that includes the fol-
25 lowing:

1 (1) An in-person meeting between the cohort of
2 the member and a social worker or mental health
3 provider in which the social worker or mental health
4 provider—

5 (A) counsels the cohort on specific poten-
6 tial risks confronting members after discharge
7 or release from the Armed Forces, including
8 loss of community or a support system, isola-
9 tion from family, friends, or society, identity
10 crisis in the transition from military to civilian
11 life, vulnerability viewed as a weakness, need
12 for empathy, self-medication and addiction, im-
13 portance of sleep and exercise, homelessness,
14 and reasons why veterans attempt and complete
15 suicide;

16 (B) in coordination with the Department
17 of Defense InTransition program, counsels
18 members of the cohort who have been diagnosed
19 with physical, psychological, or neurological
20 issues, such as post-traumatic stress disorder,
21 traumatic brain injury, adverse childhood expe-
22 riences, depression, and bipolar disorder, on—

23 (i) the potential risks for such mem-
24 bers from such issues after discharge or
25 release; and

1 (ii) the resources and treatment op-
2 tions afforded to members for such issues
3 through the Department of Veterans Af-
4 fairs, the Department of Defense, and non-
5 profit organizations;

6 (C) counsels the cohort about the resources
7 afforded to victims of military sexual trauma
8 through the Department of Veterans Affairs;
9 and

10 (D) counsels the cohort about the manner
11 in which members might experience grief during
12 the transition from military to civilian life, and
13 the resources afforded to them for grieving
14 through the Department of Veterans Affairs.

15 (2) In coordination with the Department of
16 Veterans Affairs' Solid Start program, the provision
17 to each cohort member of contact information for a
18 counseling or other appropriate facility of the De-
19 partment of Veterans Affairs in the locality in which
20 such member intends to reside after discharge or re-
21 lease.

22 (3) The submittal by cohort members to the
23 Department of Veterans Affairs (including both the
24 Veterans Health Administration and the Veterans
25 Benefits Administration) of their medical records in

1 connection with service in the Armed Forces, wheth-
2 er or not such members intend to file a claim with
3 the Department for benefits with respect to any
4 service-connected disability.

5 (c) SERVICES.—The services described in this sub-
6 section in connection with the Transition Assistance Pro-
7 gram for each member of the Armed Forces participating
8 in the pilot program are the following:

9 (1) Not later than 90 days after the discharge
10 or release of the member from the Armed Forces, a
11 contact of the member by a social worker or behav-
12 ioral health coordinator from the Department of
13 Veterans Affairs to schedule a follow-up appoint-
14 ment with a social worker or behavioral health pro-
15 vider at the facility applicable to the member under
16 subsection (b)(2) to occur not later than 90 days
17 after such contact.

18 (2) During the appointment scheduled pursuant
19 to paragraph (1)—

20 (A) an assessment of the member to deter-
21 mine the experiences of the member with events
22 during service in the Armed Forces that could
23 lead, whether individually or cumulatively, to
24 physical, psychological, or neurological issues,

1 including issues described in subsection
2 (b)(1)(B); and

3 (B) the development of a medical treat-
4 ment plan for the member, including treatment
5 for issues identified pursuant to the assessment
6 under subparagraph (A).

7 (d) LOCATIONS.—

8 (1) IN GENERAL.—The pilot program shall be
9 carried out at not fewer than 10 Transition Assist-
10 ance Centers of the Department of Defense that
11 serve not fewer than 300 members of the Armed
12 Forces annually that are jointly selected by the Sec-
13 retary of Defense and the Secretary of Veterans Af-
14 fairs for purposes of the pilot program.

15 (2) MEMBERS SERVED.—The centers selected
16 under paragraph (1) shall, to the extent practicable,
17 be centers that, whether individually or in aggregate,
18 serve all the Armed Forces and both the regular and
19 reserve components of the Armed Forces.

20 (e) SELECTION AND COMMENCEMENT.—The Sec-
21 retary of Defense and the Secretary of Veterans Affairs
22 shall jointly select the locations of the pilot program under
23 subsection (d)(1) and commence carrying out activities
24 under the pilot program by not later than 120 days after
25 the date of the enactment of this Act.

1 (f) DURATION.—

2 (1) IN GENERAL.—The duration of the pilot
3 program shall be five years.

4 (2) CONTINUATION.—If the Secretary of De-
5 fense and the Secretary of Veterans Affairs rec-
6 ommend in the report under subsection (g) that the
7 pilot program be extended beyond the date otherwise
8 provided by paragraph (1), the Secretaries may
9 jointly continue the pilot program for such period
10 beyond such date as the Secretaries jointly consider
11 appropriate.

12 (g) REPORTS.—

13 (1) IN GENERAL.—Not later than one year
14 after the date of the enactment of this Act, and
15 every 180 days thereafter during the duration of the
16 pilot program, the Secretary of Defense and the Sec-
17 retary of Veterans Affairs shall jointly submit to
18 Congress a report on the activities under the pilot
19 program.

20 (2) ELEMENTS.—Each report required by para-
21 graph (1) shall include the following:

22 (A) A description of the members of the
23 Armed Forces who participated in the pilot pro-
24 gram during the 180-day period ending on the

1 date of such report, broken out by the fol-
2 lowing:

3 (i) Sex.

4 (ii) Branch of the Armed Forces in
5 which served.

6 (iii) Diagnosis of, or other symptoms
7 consistent with, military sexual trauma,
8 post-traumatic stress disorder, traumatic
9 brain injury, depression, or bipolar dis-
10 order in connection with service in the
11 Armed Forces.

12 (B) A description of the activities under
13 the pilot program during such period.

14 (C) An assessment of the benefits of the
15 activities under the pilot program during such
16 period to veterans and family members of vet-
17 erans.

18 (D) An assessment whether the activities
19 under the pilot program as of the date of such
20 report have reduced the incidence of suicide
21 among members who participated in the pilot
22 program within one year of discharge or release
23 from the Armed Forces.

24 (E) Such recommendations as the Sec-
25 retary of Defense and the Secretary of Veterans

1 Affairs jointly consider appropriate regarding
2 expansion of the pilot program, extension of the
3 pilot program, or both.

4 (h) **TRANSITION ASSISTANCE PROGRAM DEFINED.**—

5 In this section, the term “Transition Assistance Program”
6 means the program of assistance and other transitional
7 services carried out pursuant to section 1144 of title 10,
8 United States Code.

9 **SEC. 559L. SPEECH DISORDERS OF CADETS AND MID-**
10 **SHIPMEN.**

11 (a) **TESTING.**—The Superintendent of a military
12 service academy shall provide testing for speech disorders
13 to incoming cadets or midshipmen under the jurisdiction
14 of that Superintendent.

15 (b) **NO EFFECT ON ADMISSION.**—The testing under
16 subsection (a) may not have any affect on admission to
17 a military service academy.

18 (c) **RESULTS.**—The Superintendent shall provide
19 each cadet or midshipman under the jurisdiction of that
20 Superintendent the result of the testing under subsection
21 (a) and a list of warfare unrestricted line officer positions
22 and occupation specialists that require successful perform-
23 ance on the speech test.

24 (d) **THERAPY.**—The Superintendent shall furnish
25 speech therapy to a cadet or midshipman under the juris-

1 diction of that Superintendent at the election of the cadet
2 or midshipman.

3 (e) RETAKING.—A cadet or midshipman whose test-
4 ing indicate a speech disorder or impediment may elect
5 to retake the testing once each academic year while en-
6 rolled at the military service academy.

7 **SEC. 559M. REQUIREMENT OF INVOLVEMENT OF REP-**
8 **RESENTATIVES OF MILITARY AND VETERANS'**
9 **SERVICE ORGANIZATIONS IN THE TRANSI-**
10 **TION ASSISTANCE PROGRAM OF THE DE-**
11 **PARTMENT OF DEFENSE.**

12 Section 1144 of title 10, United States Code, is
13 amended—

14 (1) in subsection (d)—

15 (A) in the matter preceding paragraph (1),
16 by striking “may”;

17 (B) in paragraph (1), by inserting “may”
18 before “provide”;

19 (C) in paragraph (2), by inserting “may”
20 before “use”;

21 (D) in paragraph (3), by inserting “may”
22 before “use”;

23 (E) in paragraph (4)—

24 (i) by inserting “shall” before “use”;

25 and

1 (ii) by inserting “and accredited serv-
2 ice officers” after “representatives”;

3 (F) in paragraph (5), by inserting “may”
4 before “enter”;

5 (G) in paragraph (6), in the matter pre-
6 ceding subparagraph (A), by inserting “may”
7 before “enter”; and

8 (H) in paragraph (7), by inserting “may”
9 before “take”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(g) DEFINITIONS.—In this section:

13 “(1) The term ‘veterans’ service organization’
14 means an organization recognized by the Secretary
15 of Veterans Affairs for the representation of vet-
16 erans under section 5902 of title 38.

17 “(2) The term ‘accredited service officer’ means
18 a representative who has been recommended for ac-
19 creditation by a veterans’ service organization.”.

20 **SEC. 559N. GAO REPORT ON SCREENINGS INCLUDED IN**
21 **THE HEALTH ASSESSMENT FOR MEMBERS**
22 **SEPARATING FROM THE ARMED FORCES.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Comptroller General of the United
25 States shall submit to the Committees on Armed Services

1 of the Senate and House of Representatives a report on
2 screenings included in the health assessment administered
3 to members separating from the the Armed Forces. Such
4 report shall include the following elements:

5 (1) A list of screenings are included in such as-
6 sessment.

7 (2) Whether such screenings—

8 (A) are uniform across the Armed Forces;

9 (B) include questions to assess if the mem-
10 ber is at risk for social isolation, homelessness,
11 or substance abuse; and

12 (C) include questions about community.

13 (3) How many such screenings result in referral
14 of a member to—

15 (A) community services;

16 (B) community services other than medical
17 services; and

18 (C) a veterans service organization.

19 (4) An assessment of the effectiveness of refer-
20 rals described in paragraph (3).

21 (5) How organizations, including veterans serv-
22 ice organizations, perform outreach to members in
23 underserved communities.

24 (6) The extent to which organizations described
25 in paragraph (5) perform such outreach.

1 (7) The effectiveness of outreach described in
2 paragraph (6).

3 (8) The annual amount of Federal funding for
4 services and organizations described in paragraphs
5 (3) and (5).

6 **SEC. 5590. PILOT GRANT PROGRAM TO SUPPLEMENT THE**
7 **TRANSITION ASSISTANCE PROGRAM OF THE**
8 **DEPARTMENT OF DEFENSE.**

9 (a) ESTABLISHMENT.—The Secretary of Defense, in
10 consultation with the Secretary of Veterans Affairs, shall
11 carry out a pilot grant program under which the Secretary
12 of Defense provides enhanced support and funding to eligi-
13 ble entities to supplement TAP to provide job opportuni-
14 ties for industry recognized certifications, job placement
15 assistance, and related employment services directly to
16 covered individuals.

17 (b) SERVICES.—Under the pilot grant program, the
18 Secretary of Defense shall provide grants to eligible enti-
19 ties to provide to covered individuals the following services:

20 (1) Using an industry-validated screening tool,
21 assessments of prior education, work history, and
22 employment aspirations of covered individuals, to
23 tailor appropriate and employment services.

24 (2) Preparation for civilian employment
25 through services like mock interviews and salary ne-

1 negotiations, training on professional networking plat-
2 forms, and company research.

3 (3) Several industry-specific learning path-
4 ways—

5 (A) with entry-level, mid-level and senior
6 versions;

7 (B) in fields such as project management,
8 cybersecurity, and information technology;

9 (C) in which each covered individual works
10 with an academic advisor to choose a career
11 pathway and navigate coursework during the
12 training process; and

13 (D) in which each covered individual can
14 earn industry-recognized credentials and certifi-
15 cations, at no charge to the covered individual.

16 (4) Job placement services.

17 (c) PROGRAM ORGANIZATION AND IMPLEMENTATION
18 MODEL.—The pilot grant program shall follow existing
19 economic opportunity program models that combine indus-
20 try-recognized certification training, furnished by profes-
21 sionals, with online learning staff.

22 (d) CONSULTATION.—In carrying out the program,
23 the Secretary of Defense shall seek to consult with private
24 entities to assess the best economic opportunity program

1 models, including existing economic opportunity models
2 furnished through public-private partnerships.

3 (e) ELIGIBILITY.—To be eligible to receive a grant
4 under the pilot grant program, an entity shall—

5 (1) follow a job training and placement model;

6 (2) have rigorous program evaluation practices;

7 (3) have established partnerships with entities
8 (such as employers, governmental agencies, and non-
9 profit entities) to provide services described in sub-
10 section (b);

11 (4) have online training capability to reach
12 rural veterans, reduce costs, and comply with new
13 conditions forced by COVID–19; and

14 (5) have a well-developed practice of program
15 measurement and evaluation that evinces program
16 performance and efficiency, with data that is high
17 quality and shareable with partner entities.

18 (f) COORDINATION WITH FEDERAL ENTITIES.—A
19 grantee shall coordinate with Federal entities, including—

20 (1) the Office of Transition and Economic De-
21 velopment of the Department of Veterans Affairs;
22 and

23 (2) the Office of Veteran Employment and
24 Transition Services of the Department of Labor.

1 (g) METRICS AND EVALUATION.—Performance out-
2 comes shall be verifiable using a third-party auditing
3 method and include the following:

4 (1) The number of covered individuals who re-
5 ceive and complete skills training.

6 (2) The number of covered individuals who se-
7 cure employment.

8 (3) The retention rate for covered individuals
9 described in paragraph (2).

10 (4) Median salary of covered individuals de-
11 scribed in paragraph (2).

12 (h) SITE LOCATIONS.—The Secretary of Defense
13 shall select five military installations in the United States
14 where existing models are successful.

15 (i) ASSESSMENT OF POSSIBLE EXPANSION.—A
16 grantee shall assess the feasibility of expanding the cur-
17 rent offering of virtual training and career placement serv-
18 ices to members of the reserve components of the Armed
19 Forces and covered individuals outside the United States.

20 (j) DURATION.—The pilot grant program shall termi-
21 nate on September 30, 2025.

22 (k) REPORT.—Not later than 180 days after the ter-
23 mination of the pilot grant program, the Secretary of De-
24 fense shall submit to the congressional defense committees
25 a report that includes—

1 (1) a description of the pilot grant program, in-
2 cluding a description of specific activities carried out
3 under this section; and

4 (2) the metrics and evaluations used to assess
5 the effectiveness of the pilot grant program.

6 (l) DEFINITIONS.—In this section:

7 (1) The term “covered individual” means—

8 (A) a member of the Armed Forces partici-
9 pating in TAP; or

10 (B) a spouse of a member described in
11 subparagraph (A).

12 (2) The term “military installation” has the
13 meaning given such term in section 2801 of title 10,
14 United States Code.

15 (3) The term “TAP” means the transition as-
16 sistance program of the Department of Defense
17 under sections 1142 and 1144 of title 10, United
18 States Code.

19 **Subtitle G—Military Family Readi-** 20 **ness and Dependents’ Education**

21 **SEC. 561. ESTABLISHMENT OF EXCEPTIONAL FAMILY MEM-** 22 **BER PROGRAM ADVISORY COUNCIL.**

23 (a) ESTABLISHMENT.—Chapter 7 of title 10, United
24 States Code, is amended by inserting before section 187
25 the following new section 186:

1 **“§ 186. Exceptional Family Member Program Advi-**
2 **sory Council**

3 “(a) ESTABLISHMENT.—There is an Exceptional
4 Family Member Program Advisory Council in the Depart-
5 ment of Defense (in this section referred to as the ‘Coun-
6 cil’).

7 “(b) PURPOSE.—The Council shall provide, to the
8 Secretary and the chiefs of the covered armed forces, rec-
9 ommendations regarding how to improve the Exceptional
10 Family Member Program. The Council shall provide such
11 recommendations not less than once every six months.

12 “(c) COMPOSITION.—The Council shall be composed
13 of the following:

14 “(1) One member of each covered armed
15 force—

16 “(A) serving on active duty;

17 “(B) who has a dependent—

18 “(i) enrolled in the Exceptional Fam-
19 ily Member Program; and

20 “(ii) with an individualized education
21 program; and

22 “(C) appointed by the Vice Chief of Staff
23 of the covered armed force concerned.

24 “(2) Two military spouses—

25 “(A) of members eligible to be appointed
26 under paragraph (1);

1 “(B) who are not civilian employees of the
2 Department of Defense;

3 “(C) one of whom is married to an enlisted
4 member and one of whom is married to an offi-
5 cer; and

6 “(D) appointed by the Vice Chief of Staff
7 of the covered armed force concerned.

8 “(3) One adult dependent—

9 “(A) enrolled in the Exceptional Family
10 Member Program; and

11 “(B) appointed by the Vice Chief of Staff
12 of the covered armed force concerned.

13 “(4) One representative of the Exceptional
14 Family Member Program Coalition.

15 “(5) One member of the Defense Health Agen-
16 cy.

17 “(6) One member of the Department of De-
18 fense Education Activity.

19 “(7) One member of the Office of Special
20 Needs.

21 “(d) APPOINTMENTS.—In making appointments
22 under subsection (c), the Vice Chief of Staff of the covered
23 armed force concerned shall seek to represent the diversity
24 of the disability community.

1 “(e) TERMS.—Each member of the Council shall
2 serve a term of two years, except one of the original mem-
3 bers appointed under subsection (c)(2), selected by the
4 Secretary of Defense at the time of appointment, one shall
5 be appointed for a term of three years.

6 “(f) MEETINGS.—The Council shall meet at least
7 once every calendar quarter, in person or by teleconfer-
8 ence.

9 “(g) COVERED ARMED FORCE DEFINED.—In this
10 section, the term ‘covered armed force’ means an armed
11 force under the jurisdiction of the Secretary of a military
12 department.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) TABLE OF SECTIONS.—The table of sections
15 at the beginning of such chapter is amended by in-
16 serting before the item relating to section 187 the
17 following new item:

“186. Exceptional Family Member Program Advisory Council.”.

18 (2) TERMINATION OF ADVISORY PANEL ON
19 COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH
20 SPECIAL NEEDS.—Section 563 of the National De-
21 fense Authorization Act for Fiscal Year 2010 (Pub-
22 lic Law 111–84; 10 U.S.C. 1781c note) is amended
23 by striking subsection (d).

1 **SEC. 562. NON-MEDICAL COUNSELING SERVICES FOR MILI-**
2 **TARY FAMILIES.**

3 Section 1781 of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(d) NON-MEDICAL COUNSELING SERVICES.—(1) In
7 carrying out its duties under subsection (b), the Office
8 may coordinate programs and activities for the provision
9 of non-medical counseling services to military families
10 through the Department of Defense Family Readiness
11 System.

12 “(2) Notwithstanding any other provision of law, a
13 mental health care provider described in paragraph (3)
14 may provide non-medical counseling services at any loca-
15 tion in a State, the District of Columbia, or a territory
16 or possession of the United States, without regard to
17 where the provider or recipient of such services is located,
18 if the provision of such services is within the scope of the
19 authorized Federal duties of the provider.

20 “(3) A mental health care provider described in this
21 subsection is a person who is—

22 “(A) a currently licensed mental health care
23 provider who holds a license that is—

24 “(i) issued by a State, the District of Co-
25 lumbia, or a territory or possession of the
26 United States; and

1 “(ii) recognized by the Secretary of De-
2 fense;

3 “(B) a member of the armed forces, a civilian
4 employee of the Department of Defense, or a con-
5 tractor designated by the Secretary; and

6 “(C) performing authorized duties for the De-
7 partment of Defense under a program or activity re-
8 ferred to in paragraph (1).

9 “(4) In this subsection, the term ‘non-medical coun-
10 seling services’ means mental health care services that are
11 non-clinical, short-term and solution focused, and address
12 topics related to personal growth, development, and posi-
13 tive functioning.”.

14 **SEC. 563. EXPANSION OF SUPPORT PROGRAMS FOR SPE-**
15 **CIAL OPERATIONS FORCES PERSONNEL AND**
16 **IMMEDIATE FAMILY MEMBERS.**

17 (a) IN GENERAL.—Section 1788a(e) of title 10,
18 United States Code, is amended—

19 (1) in paragraph (4), by striking “covered per-
20 sonnel” and inserting “covered individuals”; and

21 (2) in paragraph (5)—

22 (A) by striking “covered personnel” and
23 inserting “covered individuals”;

24 (B) in subparagraph (B), by striking
25 “and” at the end;

1 (C) in subparagraph (C), by striking the
2 period at the end and inserting “; and”; and

3 (D) by adding at the end the following new
4 subparagraph:

5 “(D) immediate family members of individ-
6 uals described in subparagraphs (A) or (B) in
7 a case in which such individual died—

8 “(i) as a direct result of armed con-
9 flict;

10 “(ii) while engaged in hazardous serv-
11 ice;

12 “(iii) in the performance of duty
13 under conditions simulating war; or

14 “(iv) through an instrumentality of
15 war.”.

16 **SEC. 564. CLARIFICATION OF QUALIFICATIONS FOR ATTOR-**
17 **NEYS WHO PROVIDE LEGAL SERVICES TO**
18 **FAMILIES ENROLLED IN THE EXCEPTIONAL**
19 **FAMILY MEMBER PROGRAM.**

20 Section 582(b)(7) of the William M. (Mac) Thorn-
21 berry National Defense Authorization Act for Fiscal Year
22 2021 (Public Law 116–283) is amended, in the matter
23 preceding subparagraph (A), by striking “in education
24 law” and inserting “and with experience in the practice
25 of education law in the State in which the military installa-

1 tion is located (and any other State or States in which
2 a significant portion of the personnel assigned to such
3 military installation reside)”).

4 **SEC. 565. IMPROVEMENTS TO THE EXCEPTIONAL FAMILY**
5 **MEMBER PROGRAM.**

6 (a) VERIFICATION OF SUITABILITY OF HOUSING AND
7 EDUCATIONAL INSTITUTIONS.—Section 582(c)(2) of the
8 William M. (Mac) Thornberry National Defense Author-
9 ization Act for Fiscal Year 2021 (Public Law 116–283)
10 is amended by inserting “, and to verify that housing and
11 at least one school near such military installation is suit-
12 able for the dependent with special needs of such covered
13 member” before the period at the end.

14 (b) EXPANSION OF ADVISORY PANEL ON COMMU-
15 NITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL
16 NEEDS.—Section 563(d)(2) of the National Defense Au-
17 thorization Act for Fiscal Year 2010 (Public Law 111–
18 84; 10 U.S.C. 1781c note) is amended—

19 (1) by striking “seven” and inserting “nine”;

20 (2) by inserting “, appointed by the Secretary
21 of Defense,” after “individuals”;

22 (3) by inserting “each” before “a member”;

23 (4) by striking the second sentence; and

24 (5) by adding “One such individual shall be the
25 spouse of an enlisted member and one such indi-

1 vidual shall be the spouse of an officer in a grade
2 below O-6.” at the end.

3 (c) RELOCATION.—The Secretary of the military de-
4 partment concerned shall, if such Secretary determines it
5 feasible, permit a covered member who receives permanent
6 change of station orders to elect, not later than 14 days
7 after such receipt, from at least two locations that provide
8 support for the dependent of such covered member with
9 a special need.

10 (d) SCANNING OF DD FORM 2792.—The Secretary
11 of a military department shall require that a DD Form
12 2792 completed by a covered member is scanned and
13 uploaded to the electronic health record of the dependent
14 described in such DD Form 2792.

15 (e) COVERED MEMBER DEFINED.—In this section,
16 the term “covered member” means a member of an Armed
17 Force—

18 (1) under the jurisdiction of the Secretary of a
19 military department; and

20 (2) with a dependent with a special need.

21 **SEC. 566. PORTABILITY OF PROFESSIONAL LICENSES OF**
22 **MEMBERS OF THE UNIFORMED SERVICES**
23 **AND THEIR SPOUSES.**

24 (a) IN GENERAL.—Title VII of the Servicemembers
25 Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by

1 inserting after section 705 (50 U.S.C. 4025) the following
2 new section:

3 **“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF**
4 **SERVICEMEMBERS AND THEIR SPOUSES.**

5 “(a) IN GENERAL.—In any case in which a service-
6 member has a professional license in good standing in a
7 jurisdiction or the spouse of a servicemember has a profes-
8 sional license in good standing in a jurisdiction and such
9 servicemember or spouse relocates his or her residency be-
10 cause of military orders for military service to a location
11 that is not in such jurisdiction, the professional license or
12 certification of such servicemember or spouse shall be con-
13 sidered valid at a similar scope of practice and in the dis-
14 cipline applied for in the jurisdiction of such new residency
15 for the duration of such military orders if such service-
16 member or spouse—

17 “(1) provides a copy of such military orders to
18 the licensing authority in the jurisdiction in which
19 the new residency is located;

20 “(2) remains in good standing with the licens-
21 ing authority that issued the license; and

22 “(3) submits to the authority of the licensing
23 authority in the new jurisdiction for the purposes of
24 standards of practice, discipline, and fulfillment of
25 any continuing education requirements.

1 “(b) INTERSTATE LICENSURE COMPACTS.—If a serv-
2 icemember or spouse of a servicemember is licensed and
3 able to operate in multiple jurisdictions through an inter-
4 state licensure compact, with respect to services provided
5 in the jurisdiction of the interstate licensure compact by
6 a licensee covered by such compact, the servicemember or
7 spouse of a servicemember shall be subject to the require-
8 ments of the compact or the applicable provisions of law
9 of the applicable State and not this section.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of such Act is amended by inserting after
12 the item relating to section 705 the following new item:

“Sec. 705A. Portability of professional licenses of servicemembers and their
spouses.”.

13 **SEC. 567. DATABASE OF NEXT OF KIN OF DECEASED MEM-**
14 **BERS OF THE ARMED FORCES.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Defense shall prescribe
17 regulations that establish and maintain a database of the
18 Department of Defense that contains up-to-date contact
19 information for the next of kin of members of the Armed
20 Forces under the jurisdiction of the Secretaries of the
21 military departments. Such regulations shall ensure
22 that—

23 (1) a commander in a grade higher than O-5
24 may access the contact information for the next of

1 kin of a member who died while a member of the
2 unit under the command of such commander, re-
3 gardless of whether such member served under such
4 commander; and

5 (2) an individual named in such database
6 may—

7 (A) elect to not be contacted by an officer
8 described in paragraph (1); and

9 (B) change such election at any time.

10 **SEC. 568. POLICY REGARDING REMOTE MILITARY INSTAL-**
11 **LATIONS.**

12 (a) **POLICY.**—Not later than April 1, 2022, the Sec-
13 retary of Defense, in consultation with the Secretaries of
14 the military departments, shall develop a uniform policy
15 for how to—

16 (1) identify remote military installations; and

17 (2) assess and manage challenges associated
18 with remote military installations.

19 (b) **ELEMENTS.**—The policy under subsection (a)
20 shall address the following:

21 (1) Activities and facilities for the morale, wel-
22 fare, and recreation of members of the Armed
23 Forces.

24 (2) Availability of housing, located on and off
25 remote military installations.

1 (3) Educational services for dependents of
2 members of the Armed Forces, located on and off
3 remote military installations.

4 (4) Availability of health care.

5 (5) Employment opportunities for military
6 spouses.

7 (6) Risks associated with having insufficient
8 support services for members of the Armed Forces
9 and their dependents.

10 (c) REPORT.—Not later than July 1, 2022, the Sec-
11 retary of Defense shall submit to the Committees on
12 Armed Services of the Senate and the House of Represent-
13 atives a report setting forth—

14 (1) the policy under this section; and

15 (2) an implementation plan for the policy.

16 (d) MILITARY INSTALLATION DEFINED.—In this sec-
17 tion, the term “military installation” has the meaning
18 given that term in section 2801 of title 10, United States
19 Code.

20 **SEC. 569. FEASIBILITY STUDY ON PROGRAM FOR DROP-IN**
21 **CHILD CARE FURNISHED TO CERTAIN MILI-**
22 **TARY SPOUSES AT MILITARY CHILD DEVEL-**
23 **OPMENT CENTERS.**

24 (a) AUTHORIZATION.—Not later than 180 days after
25 the date of the enactment of this Act, the Secretary of

1 Defense shall conduct a feasibility study on the establish-
2 ment of a program under which the military spouse of a
3 covered member may leave a covered child with a child
4 care employee—

5 (1) at the military child development center of
6 the military installation that is the permanent duty
7 station of such covered member;

8 (2) during the normal hours of operation of the
9 military child development center at which such
10 child care employee is employed; and

11 (3) for not more than two hours per week.

12 (b) REPORT.—Not later than September 30, 2022,
13 the Secretary shall submit to the Committees on Armed
14 Services of the Senate and House of Representatives a re-
15 port regarding the results of the study under subsection
16 (a).

17 (c) DEFINITIONS.—In this section:

18 (1) The terms “child care employee” and “mili-
19 tary child development center” have the meanings
20 given such terms in section 1800 of title 10, United
21 States Code.

22 (2) The term “covered child” means the de-
23 pendent child of a covered member—

24 (A) younger than seven years of age; and

1 (B) who does not regularly receive child
2 care services at a military child development
3 center.

4 (3) The term “covered member” means a mem-
5 ber of the Armed Forces performing active duty for
6 a period of more than 30 days at a location other
7 than the permanent duty station of such member.

8 **SEC. 569A. COMPTROLLER GENERAL OF THE UNITED**
9 **STATES REPORTS ON EMPLOYMENT DIS-**
10 **CRIMINATION AGAINST MILITARY SPOUSES**
11 **BY CIVILIAN EMPLOYERS.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, and 180 days thereafter, the Comptroller
14 General of the United States shall submit to the congress-
15 sional defense committees a report on employment dis-
16 crimination against military spouses by civilian employers,
17 including on the basis of military spouse status. Such re-
18 port shall include an assessment of the following:

19 (1) The feasibility of policy solutions to prevent
20 such discrimination, including—

21 (A) by amending the Uniformed Services
22 Employment and Reemployment Rights Act of
23 1994 (Public Law 103–353) to ensure that
24 military spouses are covered under such Act;
25 and

1 (B) by including military spouses as a pro-
2 tected class for the purpose of laws relating to
3 employment discrimination.

4 (2) Potential differential effects of such dis-
5 crimination across race and gender, to determine if
6 military spouses who are people of color are subject
7 to intersectional discrimination.

8 **SEC. 569B. REPORT ON EFFORTS OF COMMANDERS OF**
9 **MILITARY INSTALLATIONS TO CONNECT**
10 **MILITARY FAMILIES WITH LOCAL ENTITIES**
11 **THAT PROVIDE SERVICES TO MILITARY FAMI-**
12 **LIES.**

13 Not later than 120 days after the date of the enact-
14 ment of this Act, the Secretary of Defense shall submit
15 to the Committees on Armed Services of the Senate and
16 House of Representatives a report on how and the extent
17 to which commanders of military installations connect
18 military families with local nonprofit and government enti-
19 ties that provide services to military families, including as-
20 sistance with housing.

21 **SEC. 569C. REPORT ON PRESERVATION OF THE FORCE AND**
22 **FAMILY PROGRAM OF UNITED STATES SPE-**
23 **CIAL OPERATIONS COMMAND.**

24 (a) REPORT REQUIRED.—Not later than 180 days
25 after the date of the enactment of this Act, the Com-

1 mander of United States Special Operations Command
2 shall submit to the congressional defense committees a re-
3 port on POTFF.

4 (b) ELEMENTS.—The report under this section shall
5 include the following:

6 (1) An assessment of the human performance
7 domain of current programs and activities, includ-
8 ing—

9 (A) physical conditioning;

10 (B) exercise physiology;

11 (C) kinesiology;

12 (D) nutrition guidance;

13 (E) rehabilitative support (including phys-
14 ical therapy); and

15 (F) mental skills training (including sports
16 psychology).

17 (2) A description of efforts of the Commander
18 to assess the unique needs of members of special op-
19 erations forces, including women and minorities.

20 (3) An assessment of the effectiveness of
21 POTFF in addressing such unique needs.

22 (4) Plans of the Commander to improve
23 POTFF to better address such unique needs.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “POTFF” means the Preserva-
2 tion of the Force and Family Program of United
3 States Special Operations Command under section
4 1788a of title 10, United States Code.

5 (2) The term “special operations forces” means
6 the forces described in section 167(j) of title 10,
7 United States Code.

8 **SEC. 569D. GAO REVIEW OF PRESERVATION OF THE FORCE**
9 **AND FAMILY PROGRAM OF UNITED STATES**
10 **SPECIAL OPERATIONS COMMAND.**

11 (a) REVIEW.—Not later than April 1, 2022, the
12 Comptroller General of the United States shall conduct
13 a review of POTFF and submit to the appropriate com-
14 mittees a report containing the results of such review.

15 (b) ELEMENTS.—The report under this section shall
16 include the following:

17 (1) An assessment of the sufficiency of the
18 human performance domain of current programs
19 and activities of POTFF.

20 (2) A description of efforts of the Commander
21 of United States Special Operations Command to as-
22 sess the unique needs of members of special oper-
23 ations forces, including women and minorities.

1 (3) A description of plans of the Commander to
2 improve POTFF to better address the unique needs
3 of members of special operations forces.

4 (4) Changes in costs to the United States to op-
5 erate POTFF since implementation.

6 (5) Rates of participation in POTFF, includ-
7 ing—

8 (A) the number of individuals who partici-
9 pate;

10 (B) frequency of use by such individuals;
11 and

12 (C) geographic locations where such indi-
13 viduals participate.

14 (6) Methods by which data on POTFF is col-
15 lected and analyzed.

16 (7) Outcomes used to determine the effects of
17 POTFF on members of special operations forces and
18 their immediate family members, including a de-
19 scription of the effectiveness of POTFF in address-
20 ing unique needs of such individuals.

21 (c) BRIEFING.—Not later than January 31, 2022,
22 the Comptroller General shall provide to the appropriate
23 committees a briefing on the preliminary findings of the
24 Comptroller General under the review under this section.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “appropriate committees” means
2 the Committees on Armed Services of the Senate
3 and House of Representatives.

4 (2) The term “POTFF” means the Preserva-
5 tion of the Force and Family Program of United
6 States Special Operations Command under section
7 1788a of title 10, United States Code.

8 (3) The term “special operations forces” means
9 the forces described in section 167(j) of title 10,
10 United States Code.

11 **SEC. 569E. CONTINUED ASSISTANCE TO SCHOOLS WITH**
12 **SIGNIFICANT NUMBERS OF MILITARY DE-**
13 **PENDENT STUDENTS.**

14 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
15 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
16 amount authorized to be appropriated for fiscal year 2022
17 in division D of this Act and available for operation and
18 maintenance for Defense-wide activities as specified in the
19 funding table in section 4301 of this Act, \$50,000,000
20 shall be available only for the purpose of providing assist-
21 ance to local educational agencies under subsection (a) of
22 section 572 of the National Defense Authorization Act for
23 Fiscal Year 2006 (Public Law 109–163; 20 U.S.C.
24 7703b).

1 (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-
2 ABILITIES.—

3 (1) IN GENERAL.—Of the amount authorized to
4 be appropriated for fiscal year 2022 in division D of
5 this Act and available for operation and maintenance
6 for Defense-wide activities as specified in the fund-
7 ing table in section 4301 of this Act, \$20,000,000
8 shall be available for payments under section 363 of
9 the Floyd D. Spence National Defense Authorization
10 Act for Fiscal Year 2001 (Public Law 106–398; 20
11 U.S.C. 7703a).

12 (2) ALLOCATION FOR HIGH CONCENTRATION
13 SCHOOLS.—Of the amount made available under
14 paragraph (1), \$10,000,000 shall be available for
15 use by the Secretary of Defense to make payments
16 to local educational agencies determined by the Sec-
17 retary to have higher concentrations of military chil-
18 dren with severe disabilities.

19 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
20 this section, the term “local educational agency” has the
21 meaning given that term in section 7013(9) of the Ele-
22 mentary and Secondary Education Act of 1965 (20 U.S.C.
23 7713(9)).

1 **SEC. 569F. VERIFICATION OF REPORTING OF ELIGIBLE**
2 **FEDERALLY CONNECTED CHILDREN FOR**
3 **PURPOSES OF FEDERAL IMPACT AID PRO-**
4 **GRAMS.**

5 (a) CERTIFICATION.—On an annual basis, each com-
6 mander of a military installation under the jurisdiction of
7 the Secretary of a military department shall submit to
8 such Secretary a written certification verifying whether
9 the commander has confirmed the information contained
10 in all impact aid source check forms received from local
11 educational agencies as of the date of such certification.

12 (b) REPORT.—Not later June 30 of each year, each
13 Secretary of a military department shall submit to the
14 congressional defense committees a report, based on the
15 information received under subsection (a), that identi-
16 fies—

17 (1) each military installation under the jurisdic-
18 tion of such Secretary that has confirmed the infor-
19 mation contained in all impact aid source check
20 forms received from local educational agencies as of
21 the date of the report; and

22 (2) each military installation that has not con-
23 firmed the information contained in such forms as of
24 such date.

25 (c) DEFINITIONS.—In this section:

1 (1) Term “congressional defense committees”
2 has the meaning given that term in section
3 101(a)(16) of title 10, United States Code.

4 (2) The term “impact aid source check form”
5 means a form submitted to a military installation by
6 a local educational agency to confirm the number
7 and identity of children eligible to be counted for
8 purposes of the Federal impact aid program under
9 section 7003(a) of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 7703(a)).

11 (3) The term “local educational agency” has
12 the meaning given that term in section 8101 of the
13 Elementary and Secondary Education Act of 1965
14 (20 U.S.C. 7801).

15 **SEC. 569G. PILOT TRANSITION ASSISTANCE PROGRAM FOR**
16 **MILITARY SPOUSES.**

17 (a) ESTABLISHMENT.—Not later than 180 days after
18 the date of the enactment of this Act, the Secretary of
19 Defense shall establish a pilot transition assistance pro-
20 gram for covered individuals (in this section referred to
21 as the “pilot program”).

22 (b) SERVICES.—The Secretary of Defense shall pro-
23 vide to a covered individual, who elects to participate in
24 the pilot program, services similar to those available under

1 TAP to members of the Armed Forces, including the fol-
2 lowing:

3 (1) Assessments of prior education, work his-
4 tory, and employment aspirations of covered individ-
5 uals, to tailor appropriate employment services.

6 (2) Preparation for employment through serv-
7 ices like mock interviews and salary negotiations,
8 training on professional networking platforms, and
9 company research.

10 (3) Job placement services.

11 (4) Services offering guidance on available
12 health care resources, mental health resources, and
13 financial assistance resources.

14 (5) Training in mental health first aid to learn
15 how to assist someone experiencing a mental health
16 or substance use-related crisis.

17 (c) LOCATIONS.—The Secretary shall carry out the
18 pilot program at 12 military installations located in the
19 United States.

20 (d) DURATION.—The pilot program shall terminate
21 five years after enactment.

22 (e) REPORT.—Not later than two years after the date
23 of the enactment of this Act, the Secretary shall submit
24 to the Committees on Armed Services of the and House
25 of Representatives a report that includes—

1 (1) a description of the pilot program, including
2 a description of specific activities carried out under
3 this section; and

4 (2) the metrics and evaluations used to assess
5 the effectiveness of the pilot program.

6 (f) DEFINITIONS.—In this section:

7 (1) The term “covered individual” means a
8 spouse of a member of the Armed Forces eligible for
9 TAP.

10 (2) The term “military installation” has the
11 meaning given such term in section 2801 of title 10,
12 United States Code.

13 (3) The term “TAP” means the Transition As-
14 sistance Program under sections 1142 and 1144 of
15 title 10, United States Code.

16 **SEC. 569H. IMPLEMENTATION OF GAO RECOMMENDATIONS**
17 **ON IMPROVED COMMUNICATION OF BEST**
18 **PRACTICES TO ENGAGE MILITARY SPOUSES**
19 **WITH CAREER ASSISTANCE RESOURCES.**

20 (a) PLAN REQUIRED.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall develop a plan to address recommendation #2,
23 regarding strategies for sharing information on out-
24 reach to military spouses, in the report of the Gov-
25 ernment Accountability Office titled “Military

1 Spouse Employment: DOD Should Continue Assess-
2 ing State Licensing Practices and Increase Aware-
3 ness of Resources” (GAO–21–193).

4 (2) ELEMENTS.—The plan required under
5 paragraph (1) shall include—

6 (A) a summary of actions that have been
7 taken to implement the recommendation;

8 (B) a summary of actions that will be
9 taken to implement the recommendation, in-
10 cluding how the Secretary plans to—

11 (i) engage military services and instal-
12 lations, members of the Spouse Amba-
13 sador Network, and other local stake-
14 holders to obtain information on the out-
15 reach approaches and best practices used
16 by military installations and stakeholders;

17 (ii) overcome factors that may limit
18 use of best practices;

19 (iii) disseminate best practices to rel-
20 evant stakeholders; and

21 (iv) identify ways to and better coordi-
22 nate with the Secretaries of Veterans Af-
23 fairs, Labor, and Housing and Urban De-
24 velopment; and

1 (C) a schedule, with specific milestones, for
2 completing implementation of the recommenda-
3 tion.

4 (b) DEADLINE FOR IMPLEMENTATION.—Except as
5 provided in paragraph (2), not later than 18 months after
6 the date of the enactment of this Act, the Secretary of
7 Defense shall carry out activities to implement the plan
8 developed under subsection (a).

9 **Subtitle H—Diversity and**
10 **Inclusion**

11 **SEC. 571. INFORMATION ON FEMALE AND MINORITY PAR-**
12 **TICIPATION IN MILITARY SERVICE ACAD-**
13 **EMIES AND THE SENIOR RESERVE OFFICERS’**
14 **TRAINING CORPS.**

15 Section 113 of title 10, United States Code, is
16 amended—

17 (1) in subsection (c)(2), by inserting before the
18 semicolon the following: “, including the status of di-
19 versity and inclusion in the military service acad-
20 emies, the Federal Officer Candidate and Training
21 Schools, and the Senior Reserve Officers’ Training
22 Corps programs of such department”;

23 (2) in subsection (l)(2)—

24 (A) in subparagraph (D), by inserting
25 “(including through the military service acad-

1 emies, the Federal Officer Candidate and
2 Training Schools, and the Senior Reserve Offi-
3 cers' Training Corps)” after “into the armed
4 forces”; and

5 (B) in subparagraph (E), by inserting “,
6 attendance at military service academies, the
7 Federal Officer Candidate and Training
8 Schools, and enrollment in the Senior Reserve
9 Officers' Training Corps that” before “is rep-
10 resentative”; and

11 (3) in subsection (m)—

12 (A) by redesignating paragraphs (5)
13 through (7) as paragraphs (7) through (9), re-
14 spectively; and

15 (B) by inserting after paragraph (4) the
16 following:

17 “(5) The number of cadets and midshipmen
18 from the Federal Officer Candidate and Training
19 Schools and the Senior Reserve Officers' Training
20 Corps of each armed force who are expected to be
21 commissioned into the armed forces during the fiscal
22 year covered by such report, disaggregated by gen-
23 der, race, and ethnicity.

24 “(6) Plans to increase the number of minority
25 cadets and midshipmen at the military service acad-

1 emies and members of the Senior Reserve Officer’s
2 Training Corps.”.

3 **SEC. 572. SURVEYS ON DIVERSITY, EQUITY, AND INCLUSION**
4 **AND ANNUAL REPORTS ON SEXUAL AS-**
5 **SAULTS AND RACIAL AND ETHNIC DEMO-**
6 **GRAPHICS IN THE MILITARY JUSTICE SYS-**
7 **TEM.**

8 (a) MODIFICATION OF CONTENT OF CERTAIN SUR-
9 VEYS.—

10 (1) ARMED FORCES SURVEYS.—Section 481 of
11 title 10, United States Code, is amended—

12 (A) in subsection (a)—

13 (i) in paragraph (1) by striking the
14 second sentence;

15 (ii) in paragraph (3) by striking
16 “Equal Opportunity” and inserting “Di-
17 versity, Equity, and Inclusion”;

18 (B) in subsection (b)—

19 (i) in the subsection heading, by strik-
20 ing “EQUAL OPPORTUNITY” and inserting
21 “DIVERSITY, EQUITY, AND INCLUSION”;

22 (ii) in the matter preceding paragraph
23 (1), by striking “Equal Opportunity” and
24 inserting “Diversity, Equity, and Inclu-
25 sion”; and

1 (iii) by adding at the end the fol-
2 lowing new paragraphs:

3 “(4) Identifying and assessing the extent of ac-
4 tivity among such members that may be seen as
5 ‘hate group’ activity.

6 “(5) Whether respondents have, in the pre-
7 ceding year—

8 “(A) experienced or witnessed extremist,
9 racist, anti-Semitic, islamophobic, or suprema-
10 cist activity in the workplace; or

11 “(B) reported such activity.”;

12 (C) in subsection (c)—

13 (i) by redesignating paragraph (5) as
14 paragraph (6); and

15 (ii) by inserting after paragraph (4)
16 the following new paragraph:

17 “(5) Identifying and assessing the extent of ac-
18 tivity among such members that may be seen as
19 ‘hate group’ activity.”;

20 (D) by redesignating subsection (f) as sub-
21 section (g); and

22 (E) by inserting after subsection (e) the
23 following new subsection:

24 “(f) PUBLICATION.—The Secretary of Defense
25 shall—

1 “(1) publish on an appropriate publicly avail-
2 able website of the Department of Defense the re-
3 ports required by subsection (e); and

4 “(2) ensure that any data included with each
5 such report is made available in a machine-readable
6 format that is downloadable, searchable, and sort-
7 able.”.

8 (2) CIVILIAN EMPLOYEE SURVEYS.—Section
9 481a of title 10, United States Code, is amended—

10 (A) in subsection (b)—

11 (i) by redesignating paragraph (5) as
12 paragraph (7); and

13 (ii) by inserting after paragraph (4)
14 the following new paragraphs:

15 “(5) Identifying and assessing the extent (if
16 any) of activity among such employees that may be
17 seen as so-called ‘hate group’ activity.

18 “(6) Whether respondents have, in the pre-
19 ceding year—

20 “(A) experienced or witnessed extremist,
21 racist, anti-Semitic, islamophobic, or suprema-
22 cist activity in the workplace; or

23 “(B) reported such activity.”; and

24 (B) by adding at the end the following new
25 subsection:

1 “(e) PUBLICATION.—The Secretary of Defense
2 shall—

3 “(1) publish on an appropriate publicly avail-
4 able website of the Department of Defense the re-
5 ports required by subsection (c); and

6 “(2) ensure that any data included with each
7 such report is made available in a machine-readable
8 format that is downloadable, searchable, and sort-
9 able.”.

10 (3) PREVALENCE OF OFFENSES UNDER THE
11 UNIFORM CODE OF MILITARY JUSTICE.—Section
12 481(b) of title 10, United States Code, as amended
13 by paragraph (1) of this subsection, is further
14 amended by adding at the end the following new
15 paragraphs:

16 “(6) An estimate of the total number of of-
17 fenses committed under each punitive article under
18 chapter 47 of this title (the Uniform Code of Mili-
19 tary Justice) over the period covered by the survey.

20 “(7) For each category of offense identified
21 under paragraph (6)—

22 “(A) an estimate of the racial, ethnic, gen-
23 der, age, and rank demographics of principals;
24 and

1 “(B) an estimate of the racial, ethnic, gen-
2 der, age, and rank demographics of victims.”.

3 (4) CONFORMING REPEAL.—Section 593 of the
4 National Defense Authorization Act for Fiscal Year
5 2020 (Public Law 116–92; 133 Stat. 1415; 10
6 U.S.C. 480 note prec.) is repealed.

7 (5) EFFECTIVE DATE.—

8 (A) The amendments made by paragraphs
9 (1) and (2) shall take effect on the day after
10 the date of the enactment of this Act.

11 (B) The amendments made by paragraph
12 (3) shall take effect on January 1, 2023.

13 (b) ANNUAL REPORTS ON RACIAL AND ETHNIC DE-
14 MOGRAPHICS IN THE MILITARY JUSTICE SYSTEM.—

15 (1) IN GENERAL.—Chapter 23 of title 10,
16 United States Code, is amended by inserting after
17 section 485 the following new section:

18 “§ 486. **Annual reports on racial and ethnic demo-**
19 **graphics in the military justice system**

20 “(a) IN GENERAL.—Not later than March 1 of each
21 year, the Secretary of each military department shall sub-
22 mit to the Secretary of Defense a report on racial, ethnic,
23 and gender demographics in the military justice system
24 during the preceding year. In the case of the Secretary
25 of the Navy, separate reports shall be prepared for the

1 Navy and for the Marine Corps. In the case of the Sec-
2 retary of the Air Force, separate reports shall be prepared
3 for the Air Force and for the Space Force.

4 “(b) CONTENTS.—The report of a Secretary of a
5 military department for an armed force under subsection
6 (a) shall contain the following:

7 “(1) Statistics on offenses under chapter 47 of
8 this title (the Uniform Code of Military Justice) dur-
9 ing the year covered by the report, including:

10 “(A) an estimate based on survey data
11 from the armed forces Workplace and Diversity,
12 Equity, and Inclusion Surveys of the number of
13 offenses committed by members of the armed
14 force, disaggregated by—

15 “(i) statistical category as related to
16 the victim; and

17 “(ii) statistical category as related to
18 the principal;

19 “(B) the number of offenses in the armed
20 force that were reported to military officials,
21 disaggregated by—

22 “(i) statistical category as related to
23 the victim; and

24 “(ii) statistical category as related to
25 the principal;

1 “(C) the number of offenses in the armed
2 force that were investigated, disaggregated by
3 statistical category as related to the principal;

4 “(D) the number of offenses in which the
5 evidence supported possible action by the De-
6 partment, disaggregated by statistical category
7 as related to the principal;

8 “(E) the number of offenses in which ad-
9 ministrative action was imposed, disaggregated
10 by statistical category as related to the prin-
11 cipal and each type of administrative action im-
12 posed;

13 “(F) the number of offenses in which non-
14 judicial punishment was imposed under section
15 815 of this title (article 15 of the Uniform Code
16 of Military Justice), disaggregated by statistical
17 category as related to the principal;

18 “(G) the number of offenses in which
19 charges were preferred, disaggregated by statis-
20 tical category as related to the principal;

21 “(H) the number of offenses in which
22 charges were referred to court-martial,
23 disaggregated by statistical category as related
24 to the principal and type of court-martial;

1 “(I) the number of offenses which resulted
2 in conviction at court-martial, disaggregated by
3 statistical category as related to the principal
4 and type of court-martial; and

5 “(J) the number of offenses which resulted
6 in acquittal at court-martial, disaggregated by
7 statistical category as related to the principal
8 and type of court-martial.

9 “(2) An analysis of any disparities among race,
10 gender, and ethnicity in the incidence, reporting, dis-
11 position, and prosecution of offenses by units, com-
12 mands, and installations during the year covered by
13 the report, including trends relating to—

14 “(A) the prosecution of offenses; and

15 “(B) the prevalence of offenses, set forth
16 separately for—

17 “(i) each installation with 5,000 or
18 more servicemembers;

19 “(ii) the major career fields of any in-
20 dividuals involved in such incidents, includ-
21 ing the fields of combat arms, aviation, lo-
22 gistics, maintenance, administration, and
23 medical;

24 “(iii) in the case of the Navy, the
25 operational status (whether sea duty or

1 shore duty) of any individuals involved in
2 such incidents.

3 “(3) The policies, procedures, and processes im-
4 plemented by the Secretary concerned during the
5 year covered by the report in response to any race,
6 gender, or ethnicity disparities involving members of
7 the armed force concerned.

8 “(c) DEFINITIONS.—In this section:

9 “(1) The term ‘statistical category’ means each
10 of the following categories:

11 “(A) race;

12 “(B) gender;

13 “(C) ethnicity;

14 “(D) rank; and

15 “(E) offense enumerated under chapter 47
16 of this title (the Uniform Code of Military Jus-
17 tice).

18 “(2) The term ‘principal’ has the meaning given
19 that term in section 877 of this title (article 77 of
20 the Uniform Code of Military Justice).

21 “(d) SUBMISSION TO CONGRESS.—

22 “(1) IN GENERAL.—Not later than April 30 of
23 each year in which the Secretary of Defense receives
24 reports under subsection (a), the Secretary of De-

1 fense shall forward the reports to the appropriate
2 congressional committees, together with—

3 “(A) an assessment of the information
4 submitted to the Secretary pursuant to sub-
5 section (b)(3);

6 “(B) such other assessments on the re-
7 ports as the Assistant Inspector General estab-
8 lished under section 554 of the William M.
9 (Mac) Thornberry National Defense Authoriza-
10 tion Act for Fiscal Year 2021 (Public Law
11 116–283) considers appropriate; and

12 “(C) such other assessments on the reports
13 as the Secretary of Defense considers appro-
14 priate.

15 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES DEFINED.—In this subsection, the term ‘ap-
17 propriate congressional committees’ means—

18 “(A) the Committee on Armed Services,
19 the Committee on Commerce, Science, and
20 Transportation, and the Committee on Vet-
21 erans’ Affairs of the Senate; and

22 “(B) the Committee on Armed Services,
23 the Committee on Transportation and Infra-
24 structure, and the Committee on Veterans’ Af-
25 fairs of the House of Representatives.

1 “(e) PUBLICATION.—The Secretary of Defense
2 shall—

3 “(1) publish on an appropriate publicly avail-
4 able website of the Department of Defense the re-
5 ports required by subsections (a) and (d); and

6 “(2) ensure that any data included with each
7 such report is made available in a machine-readable
8 format that is downloadable, searchable, and sort-
9 able.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 23 of such title is
12 amended by inserting after the item relating to sec-
13 tion 485 the following new item:

“486. Annual reports on racial and ethnic demographics in the military justice
system.”.

14 (c) ANNUAL REPORTS ON SEXUAL ASSAULTS.—

15 (1) IN GENERAL.—Chapter 23 of title 10,
16 United States Code, as amended by section 3, is fur-
17 ther amended by inserting after section 486 the fol-
18 lowing new section:

19 **“§ 487. Annual reports on sexual assaults**

20 “(a) IN GENERAL.—Not later than March 1 of each
21 year, the Secretary of each military department shall sub-
22 mit to the Secretary of Defense a report on the sexual
23 assaults involving members of the armed forces under the
24 jurisdiction of that Secretary during the preceding year.

1 In the case of the Secretary of the Navy, separate reports
2 shall be prepared for the Navy and for the Marine Corps.
3 In the case of the Secretary of the Air Force, separate
4 reports shall be prepared for the Air Force and for the
5 Space Force.

6 “(b) CONTENTS.—The report of a Secretary of a
7 military department for an armed force under subsection
8 (a) shall contain the following:

9 “(1) The number of sexual assaults committed
10 against members of the armed force that were re-
11 ported to military officials during the year covered
12 by the report, and the number of the cases so re-
13 ported that were substantiated.

14 “(2) The number of sexual assaults committed
15 by members of the armed force that were reported
16 to military officials during the year covered by the
17 report, and the number of the cases so reported that
18 were substantiated. The information required by this
19 paragraph may not be combined with the informa-
20 tion required by paragraph (1).

21 “(3) A synopsis of each such substantiated
22 case, organized by offense, and, for each such case,
23 the race and ethnicity of the victim and accused, the
24 action taken in the case, including the type of dis-
25 ciplinary or administrative sanction imposed, if any,

1 including courts-martial sentences, nonjudicial pun-
2 ishments administered by commanding officers pur-
3 suant to section 815 of this title (article 15 of the
4 Uniform Code of Military Justice), and administra-
5 tive separations.

6 “(4) The policies, procedures, and processes im-
7 plemented by the Secretary concerned during the
8 year covered by the report in response to incidents
9 of sexual assault involving members of the armed
10 force concerned.

11 “(5) The number of substantiated sexual as-
12 sault cases in which the victim is a deployed member
13 of the armed forces and the assailant is a foreign
14 national, and the policies, procedures, and processes
15 implemented by the Secretary concerned to monitor
16 the investigative processes and disposition of such
17 cases and any actions taken to eliminate any gaps
18 in investigating and adjudicating such cases.

19 “(6) A description of the implementation of the
20 accessibility plan implemented pursuant to section
21 596(b) of the National Defense Authorization Act
22 for Fiscal Year 2006 (Public Law 109–163; 10
23 U.S.C. 1561 note), including a description of the
24 steps taken during that year to ensure that trained
25 personnel, appropriate supplies, and transportation

1 resources are accessible to deployed units in order to
2 provide an appropriate and timely response in any
3 case of reported sexual assault in a deployed unit,
4 location, or environment.

5 “(7) The number of applications submitted
6 under section 673 of title 10, United States Code,
7 during the year covered by the report for a perma-
8 nent change of station or unit transfer for members
9 of the armed forces on active duty who are the vic-
10 tim of a sexual assault or related offense, the num-
11 ber of applications denied, and, for each application
12 denied, a description of the reasons why the applica-
13 tion was denied.

14 “(8) An analysis and assessment of trends in
15 the incidence, disposition, and prosecution of sexual
16 assaults by units, commands, and installations dur-
17 ing the year covered by the report, including trends
18 relating to—

19 “(A) the prosecution of incidents and
20 avoidance of incidents; and

21 “(B) the prevalence of incidents, set forth
22 separately for—

23 “(i) each installation with 5,000 or
24 more servicemembers;

1 “(ii) the major career fields of any in-
2 dividuals involved in such incidents, includ-
3 ing the fields of combat arms, aviation, lo-
4 gistics, maintenance, administration, and
5 medical; and

6 “(iii) in the case of the Navy, the
7 operational status (whether sea duty or
8 shore duty) of any individuals involved in
9 such incidents.

10 “(9) An assessment of the adequacy of sexual
11 assault prevention and response activities carried out
12 by training commands during the year covered by
13 the report.

14 “(10) An analysis of the specific factors that
15 may have contributed to sexual assault during the
16 year covered by the report, an assessment of the role
17 of such factors in contributing to sexual assaults
18 during that year, and recommendations for mecha-
19 nisms to eliminate or reduce the incidence of such
20 factors or their contributions to sexual assaults.

21 “(11) An analysis of the disposition of the most
22 serious offenses occurring during sexual assaults
23 committed by members of the armed force during
24 the year covered by the report, as identified in unre-
25 stricted reports of sexual assault by any members of

1 the armed forces, including the numbers of reports
2 identifying offenses that were disposed of by each of
3 the following:

4 “(A) Conviction by court-martial, including
5 a separate statement of the most serious charge
6 preferred and the most serious charge for which
7 convicted.

8 “(B) Acquittal of all charges at court-mar-
9 tial.

10 “(C) Non-judicial punishment under sec-
11 tion 815 of this title (article 15 of the Uniform
12 Code of Military Justice).

13 “(D) Administrative action, including by
14 each type of administrative action imposed.

15 “(E) Dismissal of all charges, including by
16 reason for dismissal and by stage of pro-
17 ceedings in which dismissal occurred.

18 “(12) Information on each claim of retaliation
19 in connection with a report of sexual assault in the
20 armed force made by or against a member of such
21 armed force as follows:

22 “(A) A narrative description of each com-
23 plaint.

1 “(B) The nature of such complaint, includ-
2 ing whether the complainant claims professional
3 or social retaliation.

4 “(C) The gender of the complainant.

5 “(D) The gender of the individual claimed
6 to have committed the retaliation.

7 “(E) The nature of the relationship be-
8 tween the complainant and the individual
9 claimed to have committed the retaliation.

10 “(F) The nature of the relationship, if any,
11 between the individual alleged to have com-
12 mitted the sexual assault concerned and the in-
13 dividual claimed to have committed the retalia-
14 tion.

15 “(G) The official or office that received the
16 complaint.

17 “(H) The organization that investigated or
18 is investigating the complaint.

19 “(I) The current status of the investiga-
20 tion.

21 “(J) If the investigation is complete, a de-
22 scription of the results of the investigation, in-
23 cluding whether the results of the investigation
24 were provided to the complainant.

1 “(K) If the investigation determined that
2 retaliation occurred, whether the retaliation was
3 an offense under chapter 47 of this title (the
4 Uniform Code of Military Justice).

5 “(13) Information and data collected through
6 formal and informal reports of sexual harassment in-
7 volving members of the armed forces during the year
8 covered by the report, as follows:

9 “(A) The number of substantiated and un-
10 substantiated reports.

11 “(B) A synopsis of each substantiated re-
12 port, including the race and ethnicity of the vic-
13 tim and accused.

14 “(C) The action taken in the case of each
15 substantiated report, including the type of dis-
16 ciplinary or administrative sanction imposed, if
17 any, such as—

18 “(i) conviction and sentence by court-
19 martial;

20 “(ii) imposition of non-judicial punish-
21 ment under section 815 of this title (article
22 15 of the Uniform Code of Military Jus-
23 tice); or

1 “(iii) administrative separation or
2 other type of administrative action im-
3 posed.

4 “(14) Information and data collected during the
5 year covered by the report on each reported incident
6 involving the non-consensual distribution by a person
7 subject to chapter 47 of this title (the Uniform Code
8 of Military Justice), of a private sexual image of an-
9 other person, including the following:

10 “(A) The number of substantiated and un-
11 substantiated reports.

12 “(B) A synopsis of each substantiated re-
13 port.

14 “(C) The action taken in the case of each
15 substantiated report, including the type of dis-
16 ciplinary or administrative sanction imposed, if
17 any, such as—

18 “(i) conviction and sentence by court-
19 martial;

20 “(ii) imposition of non-judicial punish-
21 ment under section 815 this title (article
22 15 of the Uniform Code of Military Jus-
23 tice); or

1 “(iii) administrative separation or
2 other type of administrative action im-
3 posed.

4 “(c) SUBSTANTIATED DEFINED.—In this section, the
5 term ‘substantiated’, when used with respect to the report
6 of an incident or offense, means that the report meets the
7 following criteria:

8 “(1) The victim made an unrestricted report of
9 such incident or offense.

10 “(2) The report was investigated by the Federal
11 Government or a State, local, or Tribal law enforce-
12 ment organization.

13 “(3) The report was provided to the appropriate
14 military command for consideration of action and
15 was found to have sufficient evidence to support the
16 command’s action against the subject.

17 “(d) SUBMISSION TO CONGRESS.—

18 “(1) IN GENERAL.—Not later than April 30 of
19 each year in which the Secretary of Defense receives
20 reports under subsection (a), the Secretary of De-
21 fense shall forward the reports to the appropriate
22 congressional committees, together with—

23 “(A) the results of assessments conducted
24 under the evaluation plan required by section
25 1602(c) of the Ike Skelton National Defense

1 Authorization Act for Fiscal Year 2011 (Public
2 Law 111–383; 10 U.S.C. 1561 note);

3 “(B) an assessment of the information
4 submitted to the Secretary pursuant to sub-
5 section (b)(11); and

6 “(C) such other assessments on the reports
7 as the Secretary of Defense considers appro-
8 priate.

9 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES DEFINED.—In this subsection, the term ‘ap-
11 propriate congressional committees’ means—

12 “(A) the Committee on Armed Services,
13 the Committee on Commerce, Science, and
14 Transportation, and the Committee on Vet-
15 erans’ Affairs of the Senate; and

16 “(B) the Committee on Armed Services,
17 the Committee on Transportation and Infra-
18 structure, and the Committee on Veterans’ Af-
19 fairs of the House of Representatives.

20 “(e) PUBLICATION.—The Secretary of Defense
21 shall—

22 “(1) publish on an appropriate publicly avail-
23 able website of the Department of Defense the re-
24 ports required by subsections (a) and (d); and

1 “(2) ensure that any data included with each
2 such report is made available in a machine-readable
3 format that is downloadable, searchable, and sort-
4 able.

5 “(f) ADDITIONAL DETAILS FOR CASE SYNOPSES
6 PORTION OF REPORT.—The Secretary of each military de-
7 partment shall include in the case synopses portion of each
8 report, as described in subsection (b)(3), the following ad-
9 ditional information:

10 “(1) If charges are dismissed following an in-
11 vestigation conducted under section 832 of this title
12 (article 32 of the Uniform Code of Military Justice),
13 the case synopsis shall include the reason for the
14 dismissal of the charges.

15 “(2) If the case synopsis states that a member
16 of the armed forces accused of committing a sexual
17 assault was administratively separated or, in the
18 case of an officer, allowed to resign in lieu of facing
19 a court-martial, the case synopsis shall include the
20 characterization (honorable, general, or other than
21 honorable) given the service of the member upon
22 separation.

23 “(3) The case synopsis shall indicate whether a
24 member of the armed forces accused of committing
25 a sexual assault was ever previously accused of a

1 substantiated sexual assault or was admitted to the
2 armed forces under a moral waiver granted with re-
3 spect to prior sexual misconduct.

4 “(4) The case synopsis shall indicate the branch
5 of the armed forces of each member accused of com-
6 mitting a sexual assault and the branch of the
7 armed forces of each member who is a victim of a
8 sexual assault.

9 “(5) If the case disposition includes non-judicial
10 punishment, the case synopsis shall explicitly state
11 the nature of the punishment.

12 “(6) The case synopsis shall indicate whether
13 alcohol was involved in any way in a substantiated
14 sexual assault incident.

15 “(g) COORDINATION OF RELEASE DATE BETWEEN
16 ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND
17 FAMILY ADVOCACY REPORT.—The Secretary of Defense
18 shall ensure that the reports required under subsection (a)
19 for a given year are delivered to the Committees on Armed
20 Services of the Senate and House of Representatives si-
21 multaneously with the Family Advocacy Program report
22 for that year regarding child abuse and domestic violence,
23 as required by section 574 of the National Defense Au-
24 thorization Act for Fiscal Year 2017 (Public Law 114–
25 328; 130 Stat. 2141).

1 “(h) INCLUSION OF INFORMATION IN REGARDING
2 SEXUAL ASSAULTS COMMITTED AGAINST A MEMBER’S
3 SPOUSE OR OTHER FAMILY MEMBER.—The Secretary of
4 Defense shall include, in each report under this section,
5 information regarding a sexual assault committed by a
6 member of the armed forces against the spouse or intimate
7 partner of the member or another dependent of the mem-
8 ber in addition to the annual Family Advocacy Program
9 report as required by section 574 of the National Defense
10 Authorization Act for Fiscal Year 2017 (Public Law 114–
11 328; 130 Stat. 2141). The information may be included
12 as an annex to such reports.”.

13 (2) CONFORMING REPEALS.—

14 (A) Section 1631 of the Ike Skelton Na-
15 tional Defense Authorization Act for Fiscal
16 Year 2011 (Public Law 111–383; 10 U.S.C.
17 1561 note) is repealed.

18 (B) Section 538 of the National Defense
19 Authorization Act for Fiscal Year 2018 (Public
20 Law 115–91; 10 U.S.C. 1561 note) is repealed.

21 (3) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 23 of such title, as
23 amended by this subsection, is further amended by
24 inserting after the item relating to section 486 the
25 following new item:

“487. Annual reports on sexual assaults.”.

1 (d) EFFECTIVE DATES.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the amendments made by subsections (b)
4 and (c) shall take effect on the day after the date
5 of the enactment of this Act.

6 (2) EXCEPTIONS.—

7 (A) SEPARATE SPACE FORCE REPORTS.—

8 The requirement for the Secretary of the Air
9 Force to submit separate reports for the Space
10 Force under sections 486 and 487 of title 10,
11 United States Code (as added by subsections
12 (b) and (c) of this section) shall take effect on
13 October 1, 2023 and shall apply with respect to
14 reports required to be submitted under such
15 sections after such date.

16 (B) CERTAIN STATISTICAL INFORMA-
17 TION.—The requirement to include the informa-
18 tion described in subparagraphs (A) and (B) of
19 section 486(b)(1) of title 10, United States
20 Code, in the annual reports under such section
21 shall apply with respect to reports required to
22 be submitted after January 1, 2023.

1 **SEC. 573. AMENDMENTS TO ADDITIONAL DEPUTY INSPEC-**
2 **TOR GENERAL OF THE DEPARTMENT OF DE-**
3 **FENSE.**

4 Section 554(a) of the William M. (Mac) Thornberry
5 National Defense Authorization Act for Fiscal Year 2021
6 (Public Law 116–283) is amended—

7 (1) in the section heading, by striking “**DEP-**
8 **UTY**” and inserting “**ASSISTANT**”;

9 (2) in paragraph (1)—

10 (A) in the matter preceding subparagraph

11 (A)—

12 (i) by striking “Secretary of Defense”
13 and inserting “Inspector General of the
14 Department of Defense”; and

15 (ii) by striking “Deputy” and insert-
16 ing “Assistant”;

17 (B) in subparagraph (A), by striking “of
18 the Department”; and

19 (C) in subparagraph (B), by striking “re-
20 port directly to and serve” and inserting “be”;

21 (3) in paragraph (2)—

22 (A) in the matter preceding clause (i) of
23 subparagraph (A)—

24 (i) by striking “Conducting and su-
25 pervising” and inserting “Developing and
26 carrying out a plan for the conduct of com-

1 preprehensive oversight, including through the
2 conduct and supervision of”; and

3 (ii) by striking “evaluations” and in-
4 serting “inspections,”;

5 (B) in clause (ii) of subparagraph (A), by
6 striking “, including the duties of the Inspector
7 General under subsection (b)”; and

8 (C) in subparagraph (B), by striking “Sec-
9 retary or”;

10 (4) in paragraph (3)(A) in the matter preceding
11 subparagraph (A), by striking “Deputy” and insert-
12 ing “Assistant”;

13 (5) in paragraph (4)—

14 (A) in subparagraph (A), by striking
15 “Deputy” each place it appears and inserting
16 “Assistant”;

17 (B) in subparagraph (B)—

18 (i) by striking “Deputy” the first
19 place it appears;

20 (ii) by striking “and the Inspector
21 General”;

22 (iii) by striking “Deputy” the second
23 place it appears and inserting “Assistant”;

24 and

1 (iv) by inserting before the period at
2 the end the following: “, for inclusion in
3 the next semiannual report of the Inspec-
4 tor General under section 5 of the Inspec-
5 tor General Act of 1978 (5 U.S.C. App.)”;

6 (C) in subparagraph (C)—

7 (i) by striking “Deputy”; and

8 (ii) by striking “and Inspector Gen-
9 eral”;

10 (D) in subparagraph (D)—

11 (i) by striking “Deputy”;

12 (ii) by striking “and the Inspector
13 General”;

14 (iii) by striking “Secretary or”; and

15 (iv) by striking “direct” and inserting
16 “determine”; and

17 (E) in subparagraph (E)—

18 (i) by striking “Deputy”; and

19 (ii) by striking “of the Department”
20 and all that follows through “Representa-
21 tives” and inserting “consistent with the
22 requirements of the Inspector General Act
23 of 1978 (5 U.S.C. App.)”.

1 **SEC. 574. EXTENSION OF DEADLINE FOR GAO REPORT ON**
2 **EQUAL OPPORTUNITY AT THE MILITARY**
3 **SERVICE ACADEMIES.**

4 Section 558 of the William M. (Mac) Thornberry Na-
5 tional Defense Authorization Act for Fiscal Year 2021
6 (Public Law 116–283) is amended, in the matter pre-
7 ceding paragraph (1), by striking “one year after the date
8 of the enactment of this Act” and inserting “May 31,
9 2022”.

10 **SEC. 575. GAO REVIEW OF EXTREMIST AFFILIATIONS AND**
11 **ACTIVITY AMONG MEMBERS OF THE ARMED**
12 **FORCES ON ACTIVE DUTY.**

13 (a) REVIEW.—The Comptroller General of the United
14 States shall perform a review to determine the prevalence
15 of extremist affiliations and activity among members of
16 the Armed Forces on active duty. The review shall include
17 the following elements:

18 (1) Sources of information used by the Sec-
19 retary of Defense and Secretaries of the military de-
20 partments to determine extremist affiliations and ac-
21 tivity, including the extent to which—

22 (A) the Armed Forces have established
23 methods for anonymous reporting of suspected
24 extremist affiliations and activity;

1 (B) the Armed Forces have established
2 guidelines to help ensure that commanders
3 properly investigate such reports;

4 (C) reports of violence by members of the
5 Armed Forces have been investigated for rela-
6 tion to extremist affiliations and activity;

7 (D) members of the Armed Forces have
8 been discharged or disciplinary actions because
9 of extremist affiliations or activity; and

10 (E) the Department of Defense tracking
11 cases described in subparagraph (D).

12 (2) The extent to which the Secretary of De-
13 fense and Secretaries of the military departments
14 use information described in paragraph (1) in vet-
15 ting members, including the extent to which—

16 (A) recruiters have identified individuals
17 with suspected extremist affiliations;

18 (B) such individuals have received waivers;
19 and

20 (C) command climate surveys indicate a
21 culture in the Armed Forces that supports ex-
22 tremist affiliations and activity.

23 (3) The extent to which the Secretary of De-
24 fense and Secretaries of the military departments

1 use information described in paragraph (1) in vet-
2 ting members.

3 (4) Procedures of the Department of Defense
4 and the Armed Forces for identifying, responding to,
5 and tracking reported instances of extremist affili-
6 ations and activity.

7 (5) Efforts of the Secretary of Defense and
8 Secretaries of the military departments to train per-
9 sonnel to identify and report members or recruits
10 suspected of extremist affiliations or activity, includ-
11 ing the extent to which—

12 (A) commanders and recruiters trained to
13 identify potential indicators of extremist affili-
14 ations (including tattoos); and

15 (B) members are trained to identify and
16 report indicators of extremist affiliations and
17 activity in the Armed Forces or Department of
18 Defense.

19 (6) Any other matter that the Comptroller Gen-
20 eral determines relevant.

21 (b) REPORT.—Not later than March 31, 2022, the
22 Comptroller General shall submit to the Committees on
23 Armed Services of the Senate and the House of Represent-
24 atives a report containing the results of the review under
25 this section.

1 **SEC. 576. REDUCTION OF GENDER-RELATED INEQUITIES IN**
2 **COSTS OF UNIFORMS TO MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) IMPLEMENTATION OF GAO RECOMMENDA-
5 TIONS.—Not later than September 30, 2022, the Sec-
6 retary of Defense shall implement the four recommenda-
7 tions of the Government Accountability Office in the re-
8 port titled “Military Service Uniforms DOD Could Better
9 Identify and Address Out-of-Pocket Cost Inequities”
10 (GAO–21–120).

11 (b) REGULATIONS.—Not later than September 30,
12 2022, each Secretary concerned (as that term is defined
13 in section 101 of title 10, United States Code) shall pre-
14 scribe regulations that ensure the following:

15 (1) The out-of-pocket cost to an officer or en-
16 listed member of an Armed Force for a uniform (or
17 part of such uniform) may not exceed such cost to
18 another officer or enlisted member of that Armed
19 Force for such uniform (or part, or equivalent part,
20 of such uniform) solely based on gender.

21 (2) If a change to a uniform of an Armed Force
22 affects only officers or enlisted members of one gen-
23 der, an officer or enlisted member of such gender in
24 such Armed Force shall be entitled to an allowance
25 equal to the out-of-pocket cost to the officer or en-
26 listed member relating to such change.

1 (c) ONE-TIME ALLOWANCE.—Not later than Sep-
2 tember 30, 2022, each Secretary concerned may provide
3 a one-time allowance to each female officer and female en-
4 listed member under the jurisdiction of the Secretary con-
5 cerned. The amount of such an allowance shall be—

6 (1) based on gender disparities in out-of-pocket
7 costs relating to uniforms (including the costs of
8 changes to uniforms that affected only one gender)
9 during the 10 years preceding the date of the enact-
10 ment of this Act; and

11 (2) proportional to the length of service of the
12 officer or enlisted member in the Armed Forces.

13 (d) APPLICATION.—The allowances described in sub-
14 sections (b)(2) and (c) may not apply to an individual who
15 has separated or retired, or been discharged or dismissed,
16 from the Armed Forces.

17 **SEC. 577. JUSTICE FOR WOMEN VETERANS.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) In June 1948, Congress enacted the Wom-
20 en’s Armed Services Integration Act of 1948, which
21 formally authorized the appointment and enlistment
22 of women in the regular components of the Armed
23 Forces.

24 (2) With the expansion of the Armed Forces to
25 include women, the possibility arose for the first

1 time that members of the regular components of the
2 Armed Forces could become pregnant.

3 (3) The response to such possibilities and actu-
4 alities was Executive Order 10240, signed by Presi-
5 dent Harry S. Truman in 1951, which granted the
6 Armed Forces the authority to involuntarily separate
7 or discharge a woman if she became pregnant, gave
8 birth to a child, or became a parent by adoption or
9 a stepparent.

10 (4) The Armed Forces responded to the Execu-
11 tive order by systematically discharging any woman
12 in the Armed Forces who became pregnant, regard-
13 less of whether the pregnancy was planned, un-
14 planned, or the result of sexual abuse.

15 (5) Although the Armed Forces were required
16 to offer women who were involuntarily separated or
17 discharged due to pregnancy the opportunity to re-
18 quest retention in the military, many such women
19 were not offered such opportunity.

20 (6) The Armed Forces did not provide required
21 separation benefits, counseling, or assistance to the
22 members of the Armed Forces who were separated
23 or discharged due to pregnancy.

1 (7) Thousands of members of the Armed
2 Forces were involuntarily separated or discharged
3 from the Armed Forces as a result of pregnancy.

4 (8) There are reports that the practice of the
5 Armed Forces to systematically separate or dis-
6 charge pregnant members caused some such mem-
7 bers to seek an unsafe or inaccessible abortion,
8 which was not legal at the time, or to put their chil-
9 dren up for adoption, and that, in some cases, some
10 women died by suicide following their involuntary
11 separation or discharge from the Armed Forces.

12 (9) Such involuntary separation or discharge
13 from the Armed Forces on the basis of pregnancy
14 was challenged in Federal district court by Steph-
15 anie Crawford in 1975, whose legal argument stated
16 that this practice violated her constitutional right to
17 due process of law.

18 (10) The Court of Appeals for the Second Cir-
19 cuit ruled in Stephanie Crawford's favor in 1976
20 and found that Executive Order 10240 and any reg-
21 ulations relating to the Armed Forces that made
22 separation or discharge mandatory due to pregnancy
23 were unconstitutional.

24 (11) By 1976, all regulations that permitted in-
25 voluntary separation or discharge of a member of

1 the Armed Forces because of pregnancy or any form
2 of parenthood were rescinded.

3 (12) Today, women comprise 17 percent of the
4 Armed Forces, and many are parents, including 12
5 percent of whom are single parents.

6 (13) While military parents face many hard-
7 ships, today's Armed Forces provides various lengths
8 of paid family leave for mothers and fathers. for
9 both birth and adoption of children.

10 (b) SENSE OF CONGRESS.—

11 (1) SENSE OF CONGRESS.—It is the sense of
12 Congress that women who served in the Armed
13 Forces before February 23, 1976 should not have
14 been involuntarily separated or discharged due to
15 pregnancy or parenthood.

16 (2) EXPRESSION OF REMORSE.—Congress here-
17 by expresses deep remorse for the women who patri-
18 otically served in the Armed Forces, but were forced,
19 by official United States policy, to endure unneces-
20 sary and discriminatory actions, including the viola-
21 tion of their constitutional right to due process of
22 law, simply because they became pregnant or became
23 a parent while a member of the Armed Forces.

1 (c) GAO STUDY OF WOMEN INVOLUNTARILY SEPA-
2 RATED OR DISCHARGED DUE TO PREGNANCY OR PAR-
3 ENTHOOD.—

4 (1) STUDY REQUIRED.—The Comptroller Gen-
5 eral of the United States shall conduct a study re-
6 garding women involuntarily separated or discharged
7 from the Armed Forces due to pregnancy or parent-
8 hood during the period of 1951 through 1976. The
9 study shall identify—

10 (A) the number of such women,
11 disaggregated by—

12 (i) Armed Force;

13 (ii) grade;

14 (iii) race; and

15 (iv) ethnicity;

16 (B) the characters of such discharges or
17 separations;

18 (C) discrepancies in uniformity of such dis-
19 charges or separations;

20 (D) how such discharges or separations af-
21 fected access of such women to health care and
22 benefits through the Department of Veterans
23 Affairs; and

1 (E) recommendations for improving access
2 of such women to resources through the De-
3 partment of Veterans Affairs.

4 (2) BRIEFING AND REPORT.—

5 (A) BRIEFING.—Not later than 6 months
6 after the date of enactment of this Act, the
7 Comptroller General shall brief the Committees
8 on Armed Services and the Committees on Vet-
9 erans' Affairs of the Senate and the House of
10 Representatives on the study.

11 (B) REPORT.—Not later than 18 months
12 after the date of the enactment of this Act, the
13 Comptroller General shall submit a report to
14 the Committees on Armed Services and the
15 Committees on Veterans' Affairs of the Senate
16 and the House of Representatives on the results
17 of the study conducted under paragraph (1).

18 **SEC. 578. TASK FORCE ON HISTORICAL AND CURRENT BAR-**
19 **RIERS TO AFRICAN AMERICAN PARTICIPA-**
20 **TION AND EQUAL TREATMENT IN THE ARMED**
21 **SERVICES.**

22 (a) ESTABLISHMENT.—The Secretary of Defense
23 shall establish within the Department of Defense a task
24 force to be known as the “Task Force on Historical and
25 Current Barriers to African American Participation and

1 Equal Treatment in the Armed Services” (hereafter re-
2 ferred to as the “Task Force”).

3 (b) DUTIES.—The Task Force shall advise, consult
4 with, report to, and make recommendations to the Sec-
5 retary, as appropriate, on the development, refinement,
6 and implementation of policies, programs, planning, and
7 training which will provide redress for historical barriers
8 to African American participation and equal treatment in
9 the Armed Services.

10 (c) STUDIES AND INVESTIGATIONS.—

11 (1) INVESTIGATION OF HISTORICAL RECORD OF
12 SLAVERY.—As part of its duties, the Task Force
13 shall identify, compile, examine, and synthesize the
14 relevant corpus of evidentiary documentation regard-
15 ing the military or Armed Service’s involvement in
16 the institution of slavery. The Task Force’s docu-
17 mentation and examination shall include facts re-
18 lated to—

19 (A) the capture and procurement of Afri-
20 cans;

21 (B) the transport of Africans to the United
22 States and the colonies that became the United
23 States for the purpose of enslavement, including
24 their treatment during transport;

1 (C) the sale and acquisition of Africans
2 and their descendants as chattel property in
3 interstate and intrastate commerce;

4 (D) the treatment of African slaves and
5 their descendants in the colonies and the
6 United States, including the deprivation of their
7 freedom, exploitation of their labor, and de-
8 struction of their culture, language, religion,
9 and families; and

10 (E) the extensive denial of humanity, sex-
11 ual abuse, and the chattelization of persons.

12 (2) STUDY OF EFFECTS OF DISCRIMINATORY
13 POLICIES IN THE ARMED SERVICES.—As part of its
14 duties, the Task Force shall study and analyze the
15 official policies or routine practices of the Armed
16 Services with discriminatory intent or discriminatory
17 effect on the formerly enslaved Africans and their
18 descendants in the Armed Services following the
19 overdue recognition of such persons as United States
20 citizens beginning in 1868.

21 (3) STUDY OF OTHER FORMS OF DISCRIMINA-
22 TION.—As part of its duties, the Task Force shall
23 study and analyze the other forms of discrimination
24 in the Armed Services against freed African slaves
25 and their descendants who were belatedly accorded

1 their rightful status as United States citizens from
2 1868 to the present.

3 (4) STUDY OF LINGERING EFFECTS OF DIS-
4 CRIMINATION.—As part of its duties, the Task Force
5 shall study and analyze the lingering negative effects
6 of the institution of slavery and the matters de-
7 scribed in the preceding paragraphs on living Afri-
8 can Americans and their participation in the Armed
9 Services.

10 (d) RECOMMENDATIONS FOR REMEDIES.—

11 (1) RECOMMENDATIONS.—Based on the results
12 of the investigations and studies carried out under
13 subsection (c), the Task Force shall recommend ap-
14 propriate remedies to the Secretary.

15 (2) ISSUES ADDRESSED.—In recommending
16 remedies under this subsection, the Task Force shall
17 address the following:

18 (A) How Federal laws and policies that
19 continue to disproportionately and negatively
20 affect African Americans as a group in the
21 Armed Services, and those that perpetuate the
22 lingering effects, materially and psycho-socially,
23 can be eliminated.

24 (B) How the injuries resulting from the
25 matters described in subsection (c) can be re-

1 versed through appropriate policies, programs,
2 and projects.

3 (C) How, in consideration of the Task
4 Force's findings, to calculate any form of repair
5 for inequities to the descendants of enslaved Af-
6 ricans.

7 (D) The form of that repair which should
8 be awarded, the instrumentalities through
9 which the repair should be provided, and who
10 should be eligible for the repair of such inequi-
11 ties.

12 (e) ANNUAL REPORT.—

13 (1) SUBMISSION.—Not later than 90 days after
14 the end of each year, the Task Force shall submit
15 a report to the Secretary on its activities, findings,
16 and recommendations during the preceding year.

17 (2) PUBLICATION.—Not later than 180 days
18 after the date on which the Secretary receives an an-
19 nual report for a year under paragraph (1), the Sec-
20 retary shall publish a public version of the report,
21 and shall include such related matters as the Sec-
22 retary finds would be informative to the public dur-
23 ing that year.

24 (f) COMPOSITION; GOVERNANCE.—

1 (1) COMPOSITION.—The Task Force shall be
2 composed of such number of members as the Sec-
3 retary may appoint from among individuals whom
4 the Secretary finds are qualified to serve by virtue
5 of their military service, education, training, activism
6 or experience, particularly in the field of history, so-
7 ciology, and African American studies.

8 (2) PUBLICATION OF LIST OF MEMBERS.—The
9 Secretary shall post and regularly update on a public
10 website of the Department of Defense the list of the
11 members of the Task Force.

12 (3) MEETINGS.—The Task Force shall meet
13 not less frequently than quarterly, and may convene
14 additional meetings during a year as necessary. At
15 least one of the meetings during each year shall be
16 open to the public.

17 (4) GOVERNANCE.—The Secretary shall estab-
18 lish rules for the structure and governance of the
19 Task Force.

20 (5) DEADLINE.—The Secretary shall complete
21 the appointment of the members of the Task Force
22 not later than 180 days after the date of the enact-
23 ment of this Act.

1 **SEC. 579. BEST PRACTICES FOR THE RETENTION OF CER-**
2 **TAIN FEMALE MEMBERS OF THE ARMED**
3 **FORCES.**

4 The Secretaries of the military departments shall
5 share and implement best practices (including use of civil-
6 ian industry best practices) regarding the use of retention
7 and exit survey data to identify barriers and lessons
8 learned to improve the retention of female members of the
9 Armed Forces under the jurisdiction of such Secretaries.

10 **SEC. 579A. GAO REPORT ON LOW NUMBER OF HISPANIC**
11 **LEADERS IN THE ARMED FORCES.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Comptroller General of the United
14 States shall submit to the Committees on Armed Services
15 of the Senate and House of Representatives a report con-
16 taining the result of a study regarding—

17 (1) the reasons for the low number of Hispanic
18 officers and members of the Armed Forces in leader-
19 ship positions; and

20 (2) recommendations to increase such numbers.

21 **SEC. 579B. GAO REPORT ON LOW NUMBER OF HISPANIC CA-**
22 **DETS AND MIDSHIPMEN IN THE MILITARY**
23 **SERVICE ACADEMIES.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Comptroller General of the United
26 States shall submit to the Committees on Armed Services

1 of the Senate and House of Representatives a report con-
2 taining the result of a study regarding—

3 (1) the reasons for the low number of Hispanic
4 cadets and midshipmen at the military service acad-
5 emies; and

6 (2) recommendations to increase such numbers.

7 **SEC. 579C. CONSIDERATION OF SEXUAL ORIENTATION BY**
8 **INSPECTOR GENERAL WHEN CONDUCTING**
9 **REVIEW OF RACIAL DISPARITY IN THE DE-**
10 **PARTMENT OF DEFENSE.**

11 The Inspector General of the Department of Defense
12 shall take sexual orientation into account when conducting
13 any review of racial disparity in such Department after
14 the date of the enactment of this Act.

15 **Subtitle I—Decorations and**
16 **Awards**

17 **SEC. 581. SEMIANNUAL REPORTS REGARDING REVIEW OF**
18 **SERVICE RECORDS OF CERTAIN VETERANS.**

19 (a) IN GENERAL.— Section 586 of the National De-
20 fense Authorization Act for Fiscal Year 2017 (Public Law
21 114–328; 10 U.S.C. 7271 note) is amended—

22 (1) by redesignating subsection (h) as sub-
23 section (i);

24 (2) by inserting after subsection (g) the fol-
25 lowing new subsection (h):

1 “(h) SEMIANNUAL REPORTS.—

2 “(1) REPORTS REQUIRED.—Not later than Jan-
3 uary 31 and July 31 each year, each Secretary of
4 a military department shall submit to the appro-
5 priate committees of Congress a report regarding
6 the review of service records under the jurisdiction
7 of that Secretary pursuant to subsection (a).

8 “(2) ELEMENTS.—Each report under this sub-
9 section shall include the following:

10 “(A) The number of service records identi-
11 fied for review.

12 “(B) The number of service records re-
13 viewed during the preceding two calendar quar-
14 ters.

15 “(C) The number of service records re-
16 viewed to date.

17 “(D) The number of full-time equivalent
18 employees conducting reviews under subsection
19 (a).

20 “(E) The number of work hours employees
21 described in subparagraph (D) spent reviewing
22 service records during the preceding two cal-
23 endar quarters.

1 “(F) The number of work hours employees
2 described in subparagraph (D) have spent re-
3 viewing service records to date.

4 “(G) A summary of any consultation with
5 or information provided by a veterans service
6 organization under subsection (c) during the
7 preceding two calendar quarters.

8 “(H) A summary of any consultation with
9 or information provided by a veterans service
10 organization under subsection (c) to date.

11 “(3) TERMINATION.—The reporting require-
12 ment under this subsection shall terminate for the
13 Secretary of a military department after that Sec-
14 retary certifies in writing to the appropriate commit-
15 tees of Congress that the Secretary has—

16 “(A) completed the review of the service
17 record of each covered veteran under the juris-
18 diction of that Secretary; and

19 “(B) submitted every recommendation
20 under subsection (d) and every notification
21 under subsection (f) that the Secretary intends
22 to submit.”; and

23 (3) in subsection (i), as redesignated—

24 (A) in the heading, by striking “DEFINI-
25 TION” and inserting “DEFINITIONS”;

1 (B) by striking all that follows “section”
2 and inserting a colon; and

3 (C) by adding at the end the following:

4 “(1) The term ‘Native American Pacific Is-
5 lander’ means a Native Hawaiian or Native Amer-
6 ican Pacific Islander, as those terms are defined in
7 section 815 of the Native American Programs Act of
8 1974 (42 U.S.C. 2992c).

9 “(2) The term ‘appropriate committees of Con-
10 gress’ means—

11 “(A) The Committee on Armed Services
12 and the Committee on Veterans’ Affairs of the
13 Senate; and

14 “(B) The Committees on Armed Services
15 and the Committee on Veterans’ Affairs of the
16 House of Representatives.”.

17 (b) DEADLINE.—The first report under subsection
18 (h) of such section 586, as inserted by subsection (a), shall
19 be due not later than July 31, 2022.

20 **SEC. 582. ELIGIBILITY OF VETERANS OF OPERATION END**
21 **SWEEP FOR VIETNAM SERVICE MEDAL.**

22 The Secretary of the military department concerned
23 may, upon the application of an individual who is a vet-
24 eran who participated in Operation End Sweep, award
25 that individual the Vietnam Service Medal.

1 **SEC. 583. ESTABLISHMENT OF THE ATOMIC VETERANS**
2 **SERVICE MEDAL.**

3 (a) SERVICE MEDAL REQUIRED.—The Secretary of
4 Defense shall design and produce a commemorative mili-
5 tary service medal, to be known as the “Atomic Veterans
6 Service Medal”, to honor retired and former members of
7 the Armed Forces who are radiation-exposed veterans (as
8 such term is defined in section 1112(c)(3) of title 38,
9 United States Code).

10 (b) DISTRIBUTION OF MEDAL.—

11 (1) ISSUANCE TO RETIRED AND FORMER MEM-
12 BERS.—At the request of a radiation-exposed vet-
13 eran, the Secretary of Defense shall issue the Atom-
14 ic Veterans Service Medal to the veteran.

15 (2) ISSUANCE TO NEXT-OF-KIN.—In the case of
16 a radiation-exposed veteran who is deceased, the
17 Secretary may provide for issuance of the Atomic
18 Veterans Service Medal to the next-of-kin of the per-
19 son.

20 (3) APPLICATION.—The Secretary shall prepare
21 and disseminate as appropriate an application by
22 which radiation-exposed veterans and their next-of-
23 kin may apply to receive the Atomic Veterans Serv-
24 ice Medal.

1 **SEC. 584. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
2 **HONOR TO MARCELINO SERNA FOR ACTS OF**
3 **VALOR DURING WORLD WAR I.**

4 (a) AUTHORIZATION.—Notwithstanding the time lim-
5 itations specified in section 7274 of title 10, United States
6 Code, or any other time limitation with respect to the
7 awarding of certain medals to persons who served in the
8 Armed Forces, the President may posthumously award the
9 Medal of Honor under section 7272 of such title to
10 Marcelino Serna for the acts of valor described in the sub-
11 section (b).

12 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
13 described in this subsection are the actions of Marcelino
14 Serna as a private in the Army during World War I, for
15 which he was previously awarded the Distinguished-Serv-
16 ice Cross.

17 **SEC. 585. RESCISSION OF MEDALS OF HONOR AWARDED**
18 **FOR ACTS AT WOUNDED KNEE CREEK ON DE-**
19 **CEMBER 29, 1890.**

20 (a) IN GENERAL.—Each Medal of Honor awarded for
21 acts at Wounded Knee Creek, Lakota Pine Ridge Indian
22 Reservation, South Dakota, on December 29, 1890, is re-
23 scinded.

24 (b) MEDAL OF HONOR ROLL.—The Secretary con-
25 cerned shall remove the name of each individual awarded
26 a Medal of Honor for acts described in subsection (a) from

1 the Army, Navy, Air Force, and Coast Guard Medal of
2 Honor Roll maintained under section 1134a of title 10,
3 United States Code.

4 (c) RETURN OF MEDAL NOT REQUIRED.—No person
5 may be required to return to the Federal Government a
6 Medal of Honor rescinded under subsection (a).

7 (d) NO DENIAL OF BENEFITS.—This Act shall not
8 be construed to deny any individual any benefit from the
9 Federal Government.

10 **SEC. 586. INCLUSION OF PURPLE HEART AWARDS ON MILI-**
11 **TARY VALOR WEBSITE.**

12 The Secretary of Defense shall ensure that the pub-
13 licly accessible internet website of the Department of De-
14 fense that lists individuals who have been awarded certain
15 military awards includes a list of each individual who
16 meets the following criteria:

17 (1) After the date of the enactment of this Act,
18 the individual is awarded the Purple Heart.

19 (2) The individual elects to be included on such
20 list (or, if the individual is deceased, the primary
21 next of kin elects the individual to be included on
22 such list).

1 **Subtitle J—Miscellaneous Reports**
2 **and Other Matters**

3 **SEC. 591. COMMAND CLIMATE ASSESSMENTS: INDE-**
4 **PENDENT REVIEW; REPORTS.**

5 Section 587 of the National Defense Authorization
6 Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C.
7 1561 note) is amended by adding at the end the following:

8 “(d) INDEPENDENT REVIEW.—During fiscal year
9 2022 and annually thereafter, the Secretary of a military
10 department shall establish an independent command cli-
11 mate review board (in this section referred to as an
12 ‘ICCRB’) for each Armed Force under the jurisdiction of
13 such Secretary.

14 “(1) DUTIES.—An ICCRB shall review the
15 command climate, at each of no fewer than three
16 military installations of the Armed Force concerned,
17 regarding the following matters:

18 “(A) Command climate survey results.

19 “(B) Crime and other public safety issues.

20 “(C) Prevention of, and responses to,
21 crime at the military installation.

22 “(D) Prevention of, and responses to, sex-
23 ual assault and sexual harassment at the mili-
24 tary installation.

1 “(E) Discrimination and equal opportunity
2 at the military installation.

3 “(F) Suicides and other deaths of mem-
4 bers serving at the military installation.

5 “(G) Any other matter determined appro-
6 priate by the Secretary of the military depart-
7 ment concerned or the ICCRB.

8 “(2) METHODS.—An ICCRB shall conduct such
9 review by means including—

10 “(A) an anonymous survey;

11 “(B) focus groups; and

12 “(C) individual interviews.

13 “(3) MEMBERSHIP.—An ICCRB shall be com-
14 posed of no fewer than six individuals—

15 “(A) appointed by the Secretary of the
16 military department concerned;

17 “(B) with expertise determined to be rel-
18 evant by such Secretary; and

19 “(C) none of whom may be a member of
20 an Armed Force or civilian employee of the De-
21 partment of Defense.

22 “(4) SELECTION OF MILITARY INSTALLA-
23 TIONS.—The Secretary of the military department
24 concerned shall select, for review by an ICCRB, mili-
25 tary installations that have—

1 “(A) lower-than-average results on com-
2 mand climate surveys;

3 “(B) higher-than-average crime rates;

4 “(C) higher-than-average incidence of sui-
5 cide;

6 “(D) higher-than-average incidence of sex-
7 ual assault and sexual harassment; and

8 “(E) higher-than-average number of equal
9 opportunity complaints.

10 “(5) COORDINATION.—The Secretary of De-
11 fense shall direct the Offices of People Analytics,
12 and of Force Resiliency, of the Department of De-
13 fense, to coordinate with an ICCRB.

14 “(6) REPORTS.—

15 “(A) Not later than September 30, 2022,
16 and annually thereafter, an ICCRB shall sub-
17 mit to the Secretary of the military department
18 concerned a report containing the results of the
19 most recent review conducted by the ICCRB
20 and recommendations of the ICCRB to improve
21 the climate command at the military installa-
22 tions reviewed.

23 “(B) Not later than November 30, 2022,
24 and annually thereafter, an ICCRB shall sub-
25 mit to the Committees on Armed Services of

1 the Senate and House of Representatives the
2 report under subparagraph (A).

3 “(e) REPORTS.—Not later than April 30, 2023, and
4 annually thereafter—

5 “(1) the Secretary of a military department
6 shall submit to the Secretary of Defense a report
7 containing, with respect to the most recent climate
8 command assessment for each Armed Force under
9 the jurisdiction of such Secretary of a military de-
10 partment—

11 “(A) an analysis of responses,
12 disaggregated by, with respect to respondents—

13 “(i) military installation;

14 “(ii) unit;

15 “(iii) major organization (at the bri-
16 gade or equivalent level);

17 “(iv) major career fields (including
18 combat arms, aviation, logistics, and med-
19 ical);

20 “(v) ranks, grouped into junior, mid-
21 grade, and senior—

22 “(I) enlisted; and

23 “(II) officers (including warrant
24 officers);

1 “(vi) in the case of the Navy, sea duty
2 and shore duty;

3 “(vii) gender;

4 “(viii) race; and

5 “(ix) ethnicity; and

6 “(B) actions taken and planned by the
7 Secretary of a military department to improve
8 negative responses and promote a positive com-
9 mand climate; and

10 “(2) the Secretary of Defense shall submit to
11 the Committees on Armed Services of the Senate
12 and House of Representatives a report containing,
13 with respect to the most recent climate command as-
14 sessment for each Armed Force—

15 “(A) a summary of responses,
16 disaggregated by, with respect to respondents—

17 “(i) Armed Force;

18 “(ii) military installation at which
19 more than 5,000 members serve;

20 “(iii) major organization (at the bri-
21 gade or equivalent level);

22 “(iv) major career fields (including
23 combat arms, aviation, logistics, and med-
24 ical);

1 “(v) ranks, grouped into junior, mid-
2 grade, and senior—

3 “(I) enlisted; and

4 “(II) officers (including warrant
5 officers);

6 “(vi) in the case of the Navy, sea duty
7 and shore duty;

8 “(vii) gender;

9 “(viii) race; and

10 “(ix) ethnicity; and

11 “(B) actions taken and planned by the
12 Secretary of Defense to improve negative re-
13 sponses and promote a positive command cli-
14 mate.”.

15 **SEC. 592. HEALTHY EATING IN THE DEPARTMENT OF DE-**
16 **FENSE.**

17 (a) AUTHORIZATION OF ELEMENT OF THE DEPART-
18 MENT OF DEFENSE; PLAN.—

19 (1) ESTABLISHMENT.—The Secretary of De-
20 fense may establish an element of the Department of
21 Defense responsible for implementing a plan to im-
22 prove access to healthy food on military installations.
23 If established, such element shall—

24 (A) be modelled on the Healthy Base Ini-
25 tiative of the Department; and

1 (B) include personnel with—

2 (i) expertise in food service oper-
3 ations;

4 (ii) up-to-date knowledge of modern
5 healthy food delivery systems; and

6 (iii) deep understanding of food serv-
7 ice in the Department.

8 (2) PLAN.—If implemented, the plan under
9 paragraph (1) shall include—

10 (A) leading practices from campus dining
11 services at institutions of higher learning and
12 private entities; and

13 (B) lessons learned from previous efforts
14 of the Secretary to make such improvements.

15 (b) PILOT PROGRAM.—

16 (1) ESTABLISHMENT.—The Secretary may
17 carry out a pilot program to develop and test appro-
18 priate business models that increase the availability,
19 affordability, and acceptability of healthy foods in
20 dining facilities of the Department.

21 (2) LOCATIONS.—For each Armed Force under
22 the jurisdiction of the Secretary of a military depart-
23 ment, the Secretary may establish a pilot program
24 location at a military installation, located within the
25 United States, of—

1 (A) the regular component of such Armed
2 Force; and

3 (B) a reserve component of such Armed
4 Force.

5 (3) MEAL CARD.—A pilot program under this
6 subsection shall include—

7 (A) expansion of the use of meal cards by
8 members outside of the primary dining facility
9 at the military installation concerned; and

10 (B) providing access to all personnel of
11 such installation access to all dining venues at
12 such installation.

13 (4) PARTNERSHIPS.—The commander of each a
14 military installation described in paragraph (2) may
15 enter into an agreement with a local entity for the
16 purposes of the pilot.

17 **SEC. 593. PLANT-BASED PROTEIN PILOT PROGRAM OF THE**
18 **NAVY.**

19 (a) ESTABLISHMENT.—Not later than March 1,
20 2022, the Secretary of the Navy shall establish a pilot pro-
21 gram to offer plant-based protein options at forward oper-
22 ating bases for consumption by members of the Navy.

23 (b) LOCATIONS.—Not later than March 1, 2022, the
24 Secretary shall identify not fewer than two naval facilities
25 to participate in the pilot program and shall prioritize fa-

1 cilities (such as Joint Region Marianas, Guam, Navy Sup-
2 port Facility, Diego Garcia, and U.S. Fleet Activities
3 Sasebo, Japan) where livestock-based protein options may
4 be costly to obtain or store.

5 (c) RULE OF CONSTRUCTION.—Nothing in this Act
6 shall be construed to prevent offering livestock-based pro-
7 tein options alongside plant-based protein options at naval
8 facilities identified under subsection (b).

9 (d) TERMINATION.—The requirement to carry out
10 the pilot program established under this section shall ter-
11minate three years after the date on which the Secretary
12 establishes the pilot program required under this section.

13 (e) REPORT.—Not later than one year after the ter-
14mination of the pilot program, the Secretary shall submit
15 to the appropriate congressional committees a report on
16 the pilot program that includes the following:

17 (1) The consumption rate of plant-based pro-
18 tein options by members of the Navy under the pilot
19 program.

20 (2) Effective criteria to increase plant-based
21 protein options at naval facilities not identified
22 under subsection (b).

23 (3) An analysis of the costs of obtaining and
24 storing plant-based protein options compared to the

1 costs of obtaining and storing livestock-based protein
2 options at selected naval facilities.

3 (f) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Armed Services of
8 the House of Representatives; and

9 (B) the Committee on Armed Forces of the
10 Senate.

11 (2) PLANT-BASED PROTEIN OPTIONS.—The
12 term “plant-based protein options” means edible
13 products made from plants (such as vegetables,
14 beans, and legumes), fungi, or other non-animal
15 sources of protein.

16 **SEC. 594. REPORTS ON MISCONDUCT BY MEMBERS OF SPE-**
17 **CIAL OPERATIONS FORCES.**

18 (a) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, and every six
20 months thereafter for five years, the Assistant Secretary
21 of Defense for Special Operations and Low Intensity Con-
22 flict shall submit to the Committees on Armed Services
23 of the Senate and House of Representatives a report re-
24 garding misconduct by members of special operations

1 forces during the six months preceding the date of such
2 report.

3 (b) SPECIAL OPERATIONS FORCES DEFINED.—In
4 this section, the term “special operations forces” means
5 forces described in section 167(j) of title 10, United States
6 Code.

7 **SEC. 595. UPDATES AND PRESERVATION OF MEMORIALS TO**
8 **CHAPLAINS AT ARLINGTON NATIONAL CEME-**
9 **TERY.**

10 (a) UPDATES AND PRESERVATION OF MEMORIALS.—

11 (1) PROTESTANT CHAPLAINS MEMORIAL.—The
12 Secretary of the Army may permit NCMAF—

13 (A) to modify the memorial to Protestant
14 chaplains located on Chaplains Hill to include a
15 granite, marble, or other stone base for the
16 bronze plaque of the memorial;

17 (B) to add an additional plaque to the
18 stone base added pursuant to subparagraph (A)
19 to include the name of each chaplain, verified
20 as described in subsection (b), who died while
21 serving on active duty in the Armed Forces
22 after the date on which the original memorial
23 was placed; and

1 (C) to make such other updates and cor-
2 rections to the memorial that may be needed as
3 determined by the Secretary.

4 (2) CATHOLIC AND JEWISH CHAPLAIN MEMO-
5 RIALS.—The Secretary of the Army may permit
6 NCMAF to update and make corrections to the
7 Catholic and Jewish chaplain memorials located on
8 Chaplains Hill that may be needed as determined by
9 the Secretary.

10 (3) NO COST TO FEDERAL GOVERNMENT.—The
11 activities of NCMAF authorized by this subsection
12 shall be carried out at no cost to the Federal Gov-
13 ernment.

14 (b) VERIFICATION OF NAMES.—NCMAF may not in-
15 clude the name of a chaplain on a memorial on Chaplains
16 Hill under subsection (a) unless that name has been
17 verified by the Chief of Chaplains of the Army, Navy, or
18 Air Force or the Chaplain of the United States Marine
19 Corps, depending on the branch of the Armed Forces in
20 which the chaplain served.

21 (c) PROHIBITION ON EXPANSION OF MEMORIALS.—
22 Except as provided in subsection (a)(1)(A), this section
23 may not be construed as authorizing the expansion of any
24 memorial that is located on Chaplains Hill as of the date
25 of the enactment of this Act.

1 (d) DEFINITIONS.—In this section:

2 (1) The term “Chaplains Hill” means the area
3 in Arlington National Cemetery that, as of the date
4 of the enactment of this Act, is generally identified
5 and recognized as Chaplains Hill.

6 (2) The term “NCMAF” means the National
7 Conference on Ministry to the Armed Forces or any
8 successor organization recognized in law for pur-
9 poses of the operation of this section.

10 **SEC. 596. REPORT REGARDING BEST PRACTICES FOR COM-**
11 **MUNITY ENGAGEMENT.**

12 (a) REPORT REQUIRED.—Not later than 180 days
13 after the date of the enactment of this Act, the Assistant
14 Secretary of Defense and the Secretaries of the military
15 departments shall jointly submit to Congress a report on
16 best practices for coordinating relations with State and
17 local governmental entities in the State of Hawaii.

18 (b) BEST PRACTICES.—The best practices referred to
19 in subsection (a) shall address each of the following issues:

20 (1) Identify comparable locations with joint
21 base military installations or of other densely popu-
22 lated metropolitan areas with multiple military in-
23 stallations and summarize lessons learned from any
24 similar efforts to engage with the community and
25 public officials.

1 (2) Identify all the major community engage-
2 ment efforts by the services, commands, installations
3 and other military organizations in the State of Ha-
4 wahi.

5 (3) Evaluate the current community outreach
6 efforts to identify any outreach gaps or coordination
7 challenges that undermine the military engagement
8 with the local community and elected official in the
9 State of Hawaii.

10 (4) Propose options available to create an en-
11 hanced, coordinated community engagement effort in
12 the State of Hawaii based on the department's eval-
13 uation.

14 (5) Resources to support the coordination de-
15 scribed in this subsection, including the creation of
16 joint liaison offices that are easily accessible to pub-
17 lic officials to facilitate coordinating relations with
18 State and local governmental agencies.

19 **SEC. 597. IMPROVED DEPARTMENT OF DEFENSE PREVEN-**
20 **TION OF AND RESPONSE TO BULLYING IN**
21 **THE ARMED FORCES.**

22 Section 549 of the National Defense Authorization
23 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
24 113 note) is amended—

1 (1) in the section heading, by inserting “**AND**
2 **BULLYING**” after “**HAZING**”;

3 (2) in subsection (a)—

4 (A) in the heading, by inserting “and anti-
5 bullying” after “Anti-hazing”;

6 (B) by inserting “(including formal, infor-
7 mal, and anonymous reports)” after “collection
8 of reports”; and

9 (C) by inserting “or bullying” after “haz-
10 ing” both places it appears;

11 (3) in subsection (b), by inserting “and bul-
12 lying” after “hazing”; and

13 (4) in subsection (c)—

14 (A) in the heading, by inserting “and bul-
15 lying” after “hazing”;

16 (B) in paragraph (1)—

17 (i) in the matter preceding subpara-
18 graph (A)—

19 (I) by striking “January 31,
20 2021” and inserting “January 31,
21 2027”; and

22 (II) by striking “each Secretary
23 of a military department, in consulta-
24 tion with the Chief of Staff of each
25 Armed Force under the jurisdiction of

1 such Secretary,” and inserting “the
2 Secretary of Defense”;

3 (ii) in subparagraph (A), by inserting
4 “or bullying” after “hazing”;

5 (iii) in subparagraph (B), by inserting
6 “formally, informally, and” before “anony-
7 mously”; and

8 (iv) in subparagraph (C), by inserting
9 “and anti-bullying” after “anti-hazing”;
10 and

11 (C) in amending paragraph (2) to read as
12 follows:

13 “(2) ADDITIONAL ELEMENTS.—Each report re-
14 quired by this subsection shall include the following:

15 “(A) A description of comprehensive data-
16 collection systems of each Armed Force de-
17 scribed in subsection (b) and the Office of the
18 Secretary of Defense for collecting hazing or
19 bullying reports involving a member of the
20 Armed Forces, including formal, informal, and
21 anonymous reports.

22 “(B) A description of processes of each
23 Armed Force described in subsection (b) to
24 identify, document, and report alleged instances
25 of hazing or bullying. Such description shall in-

1 clude the methodology each such Armed Force
2 uses to categorize and count potential instances
3 of hazing or bullying.

4 “(C) An assessment by each Secretary of
5 a military department of the quality and need
6 for training on recognizing and preventing haz-
7 ing and bullying provided to members under the
8 jurisdiction of such Secretary.

9 “(D) An assessment by the Office of the
10 Secretary of Defense of—

11 “(i) the effectiveness of each Armed
12 Force described in subsection (b) in track-
13 ing and reporting instances of hazing or
14 bullying;

15 “(ii) whether the performance of each
16 such Armed Force was satisfactory or un-
17 satisfactory in the preceding fiscal year.

18 “(E) Recommendations of the Secretary to
19 improve—

20 “(i) elements described in subpara-
21 graphs (A) through (D).

22 “(ii) the Uniform Code of Military
23 Justice or the Manual for Courts-Martial
24 to improve the prosecution of persons al-

1 leged to have committed hazing or bullying
2 in the Armed Forces.

3 “(F) The status of efforts of the Secretary
4 to evaluate the prevalence of hazing and bul-
5 lying in the Armed Forces.

6 “(G) Data on allegations of hazing and
7 bullying in the Armed Forces, including—

8 “(i) number of formal, informal, and
9 anonymous reports; and

10 “(ii) final disposition of investigations.

11 “(H) Plans of the Secretary to improve
12 hazing and bullying prevention and response
13 during the next reporting year.”.

14 **SEC. 598. ADDITION OF ELEMENT TO REPORT REGARDING**
15 **THE DESIGNATION OF EXPLOSIVE ORD-**
16 **NANCE DISPOSAL CORPS AS A BASIC BRANCH**
17 **OF THE ARMY.**

18 Section 582(b)(2) of the National Defense Authoriza-
19 tion Act for Fiscal Year 2018 (Public Law 115–91; 10
20 U.S.C. 3063 note) is amended by adding at the end the
21 following new subparagraph:

22 “(H) The Secretary of the Army has des-
23 ignated an Assistant Secretary of the Army as
24 the key individual responsible for developing
25 and overseeing policy, plans, programs, and

1 budgets, and issuing guidance and providing di-
2 rection on the explosive ordnance disposal ac-
3 tivities of the Army.”.

4 **SEC. 599. MILITARY JUSTICE CAREER TRACK FOR JUDGE**
5 **ADVOCATES.**

6 (a) ESTABLISHMENT.—Each Secretary of a military
7 department shall establish a military justice career track
8 for judge advocates under the jurisdiction of the Sec-
9 retary.

10 (b) REQUIREMENTS.—In establishing a military jus-
11 tice career track under subsection (a) the Secretary con-
12 cerned shall—

13 (1) ensure that the career track leads to judge
14 advocates with military justice expertise in the grade
15 of colonel, or in the grade of captain in the case of
16 judge advocates of the Navy, to prosecute and de-
17 fend complex cases in military courts-martial;

18 (2) include the use of skill identifiers to identify
19 judge advocates for participation in the career track
20 from among judge advocates having appropriate skill
21 and experience in military justice matters;

22 (3) issue guidance for promotion boards consid-
23 ering the selection for promotion of officers partici-
24 pating in the career track in order to ensure that
25 judge advocates who are participating in the career

1 track have the same opportunity for promotion as all
2 other judge advocate officers being considered for
3 promotion by such boards.

4 (c) SECRETARY CONCERNED DEFINED.—In this sec-
5 tion, the term “Secretary concerned” has the meaning
6 given that term in section 101(a)(9) of title 10, United
7 States Code.

8 **SEC. 599A. ANNUAL REPORT REGARDING COST OF LIVING**
9 **FOR MEMBERS AND EMPLOYEES OF THE DE-**
10 **PARTMENT OF DEFENSE.**

11 Section 136 of title 10, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(e) The Under Secretary of Defense for Personnel
15 and Readiness shall submit annually to the Committees
16 on Armed Services of the Senate and House of Represent-
17 atives a report containing an analysis of the costs of living,
18 nationwide, for—

19 “(1) members of the Armed Forces on active
20 duty; and

21 “(2) employees of the Department of Defense.”.

1 **SEC. 599B. COMPTROLLER GENERAL ASSESSMENT OF**
2 **QUALITY AND NUTRITION OF FOOD AVAIL-**
3 **ABLE AT MILITARY INSTALLATIONS FOR**
4 **MEMBERS OF THE ARMED FORCES.**

5 (a) ASSESSMENT.—The Comptroller General of the
6 United States shall conduct an assessment of the quality
7 and nutrition of food available at military installations for
8 members of the Armed Forces.

9 (b) ELEMENTS.—The assessment required by sub-
10 section (a) shall include the following:

11 (1) A description of the extent to which data is
12 being collected on the nutritional food options avail-
13 able at military installations for members of the
14 Armed Forces, including the fat, sodium, and fiber
15 content of hot line foods.

16 (2) An assessment of the extent to which the
17 Department of Defense has evaluated whether the
18 nutritional food options described in paragraph (1)
19 meet or exceed the daily nutrition standards for
20 adults set forth by the Department of Agriculture.

21 (3) A description of how the Secretary inte-
22 grates and coordinates nutrition recommendations,
23 policies, and pertinent information through the
24 Interagency Committee on Human Nutrition Re-
25 search.

1 (4) An assessment of the extent to which the
2 Department of Defense has evaluated how such rec-
3 ommendations, policies, and information affect
4 health outcomes of members of the Armed Forces or
5 retention rates for those members who do not meet
6 physical standards set forth by the Department.

7 (5) A description of how the Secretary gathers
8 input on the quality of food service options provided
9 to members of the Armed Forces.

10 (6) An assessment of how the Department of
11 Defense tracks the attitudes and perceptions of
12 members of the Armed Forces on the quality of food
13 service operations at military installations in terms
14 of availability during irregular hours, accessibility,
15 portion, price, and quality.

16 (7) An assessment of access by members of the
17 Armed Forces to high-quality food options on mili-
18 tary installations, such as availability of food outside
19 typical meal times or options for members not lo-
20 cated in close proximity to dining facilities at a mili-
21 tary installation.

22 (8) Such recommendations as the Comptroller
23 General may have to address any findings related to
24 the quality and availability of food options provided

1 to members of the Armed Forces by the Department
2 of Defense.

3 (c) BRIEFING AND REPORT.—

4 (1) BRIEFING.—Not later than 180 days after
5 the date of the enactment of this Act, the Comp-
6 troller General shall brief the Committees on Armed
7 Services of the Senate and the House of Representa-
8 tives on the status of the assessment conducted
9 under subsection (a).

10 (2) REPORT.—Not later than one year after the
11 briefing under paragraph (1), the Comptroller Gen-
12 eral shall submit to the Committees on Armed Serv-
13 ices of the Senate and the House of Representatives
14 a report on the assessment conducted under sub-
15 section (a).

16 **SEC. 599C. STUDY AND REPORT ON HERBICIDE AGENT EX-**
17 **POSURE IN PANAMA CANAL ZONE.**

18 (a) STUDY.—The Secretary of Defense shall conduct
19 a study on the exposure of members of the Armed Forces
20 to herbicide agents, including Agent Orange and Agent
21 Purple, in the Panama Canal Zone during the period be-
22 ginning on January 1, 1958, and ending on December 31,
23 1999.

24 (b) REPORT.—Not later than one year after the date
25 of the enactment of this Act, the Secretary shall submit

1 to Congress a report on the study conducted under sub-
2 section (a).

3 **SEC. 599D. REPORT ON REQUESTS FOR EQUITABLE AD-**
4 **JUSTMENT IN DEPARTMENT OF THE NAVY.**

5 (a) REPORT REQUIRED.—Not later than 60 days
6 after the date of the enactment of this Act, the Secretary
7 of the Navy shall submit to the congressional defense com-
8 mittees a report detailing the processing of Requests for
9 Equitable Adjustment by the Department of the Navy, in-
10 cluding progress in complying with the covered directive.

11 (b) CONTENTS.—The report required under sub-
12 section (a) shall include, at a minimum, the following:

13 (1) The number of Requests for Equitable Ad-
14 justment submitted since October 1, 2011.

15 (2) The organizations within the Department of
16 the Navy to which such Requests were submitted.

17 (3) The number of Requests for Equitable Ad-
18 justment outstanding as of the date of the enact-
19 ment of this Act.

20 (4) The number of Requests for Equitable Ad-
21 justment agreed to but not paid as of the date of the
22 enactment of this Act, including a description of why
23 each such Request has not been paid.

1 (5) A detailed explanation of the efforts by the
2 Department of the Navy to ensure compliance with
3 the covered directive.

4 (c) COVERED DIRECTIVE DEFINED.—In this section,
5 the term “covered directive” means the directive of the
6 Assistant Secretary of the Navy for Research, Develop-
7 ment, and Acquisition, dated March 20, 2020, directing
8 payment of all settled Requests for Equitable Adjustment
9 and the expeditious resolution of all remaining Requests
10 for Equitable Adjustment.

11 **SEC. 599E. GAO STUDY ON TATTOO POLICIES OF THE**
12 **ARMED FORCES.**

13 (a) STUDY.—The Comptroller General of the United
14 States shall evaluate the tattoo policies of each Armed
15 Force, including—

16 (1) the effects of such policies on recruitment,
17 retention, reenlistment of members of the Armed
18 Forces; and

19 (2) processes for waivers to such policies to re-
20 cruit, retain, or reenlist members who have unau-
21 thorized tattoos.

22 (b) REPORT.—Not later than March 31, 2022, the
23 Comptroller General shall submit to the Committees on
24 Armed Services of the Senate and House of Representa-

1 tives a report containing the results of the evaluations
2 under subsection (a).

3 **TITLE VI—COMPENSATION AND**
4 **OTHER PERSONNEL BENEFITS**
5 **Subtitle A—Pay and Allowances**

6 **SEC. 601. BASIC NEEDS ALLOWANCE FOR LOW-INCOME**
7 **REGULAR MEMBERS.**

8 (a) IN GENERAL.—Chapter 7 of title 37, United
9 States Code, is amended by inserting after section 402a
10 the following new section:

11 **“§ 402b. Basic needs allowance for low-income reg-**
12 **ular members**

13 “(a) ALLOWANCE REQUIRED.—(1) Subject to para-
14 graph (2), the Secretary of Defense shall pay to each cov-
15 ered member a basic needs allowance in the amount deter-
16 mined for such member under subsection (b).

17 “(2) In the event a household contains two or more
18 covered members entitled to receive the allowance under
19 this section in a given year, only one allowance may be
20 paid for that year to a covered member among such cov-
21 ered members whom such covered members shall jointly
22 elect.

23 “(b) AMOUNT OF ALLOWANCE FOR A COVERED
24 MEMBER.—(1) The amount of the monthly allowance pay-

1 able to a covered member under subsection (a) for a year
2 shall be the aggregate amount equal to—

3 “(A) the aggregate amount equal to—

4 “(i) 130 percent of the Federal poverty guide-
5 lines of the Department of Health and Human Serv-
6 ices for the location and number of persons in the
7 household of the covered member for such year;
8 minus

9 “(ii) the gross household income of the covered
10 member during the preceding year; and

11 “(B) divided by 12.

12 “(2) The monthly allowance payable to a covered
13 member for a year shall be payable for each of the 12
14 months following March of such year.

15 “(c) NOTICE OF ELIGIBILITY.—(1)(A) Not later than
16 December 31 each year, the Director of the Defense Fi-
17 nance and Accounting Service shall notify, in writing, each
18 individual whom the Director estimates will be a covered
19 member during the following year of the potential entitle-
20 ment of that individual to the allowance described in sub-
21 section (a) for that following year.

22 “(B) The preliminary notice under subparagraph (A)
23 shall include information regarding financial management
24 and assistance programs administered by the Secretary of
25 Defense for which a covered member is eligible.

1 “(2) Not later than January 31 each year, each indi-
2 vidual who seeks to receive the allowance for such year
3 (whether or not subject to a notice for such year under
4 paragraph (1)) shall submit to the Director such informa-
5 tion as the Director shall require for purposes of this sec-
6 tion in order to determine whether or not such individual
7 is a covered member for such year.

8 “(3) Not later than February 28 each year, the Di-
9 rector shall notify, in writing, each individual the Director
10 determines to be a covered member for such year.

11 “(d) ELECTION NOT TO RECEIVE ALLOWANCE.—(1)
12 A covered member otherwise entitled to receive the allow-
13 ance under subsection (a) for a year may elect, in writing,
14 not to receive the allowance for such year. Any election
15 under this subsection shall be effective only for the year
16 for which made. Any election for a year under this sub-
17 section is irrevocable.

18 “(2) A covered member who does not submit informa-
19 tion described in subsection (d)(2) for a year as otherwise
20 required by that subsection shall be deemed to have elect-
21 ed not to receive the allowance for such year.

22 “(e) DEFINITIONS.—In this section:

23 “(1) The term ‘covered member’ means a reg-
24 ular member of an armed force under the jurisdic-
25 tion of the Secretary of a military department—

1 “(A) who has completed initial entry train-
2 ing;

3 “(B) whose gross household income during
4 the most recent year did not exceed an amount
5 equal to 130 percent of the Federal poverty
6 guidelines of the Department of Health and
7 Human Services for the location and number of
8 persons in the household of the covered member
9 for such year; and

10 “(C) who does not elect under subsection
11 (d) not to receive the allowance for such year.

12 “(2) The term ‘gross household income’ of a
13 covered member for a year for purposes of para-
14 graph (1)(B) does not include any basic allowance
15 for housing received by the covered member (and
16 any dependents of the covered member in the house-
17 hold of the covered member) during such year under
18 section 403 of this title.

19 “(f) REGULATIONS.—The Secretary of Defense shall
20 prescribe regulations for the administration of this section.
21 Subject to subsection (e)(2), such regulations shall specify
22 the income to be included in, and excluded from, the gross
23 household income of individuals for purposes of this sec-
24 tion.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 7 of such title is amended by
3 inserting after the item relating to section 402a the fol-
4 lowing new item:

“402b. Basic needs allowance for low-income regular members.”.

5 **SEC. 602. EQUAL INCENTIVE PAY FOR MEMBERS OF THE**
6 **RESERVE COMPONENTS OF THE ARMED**
7 **FORCES.**

8 (a) IN GENERAL.—Subchapter II of chapter 5 of title
9 37, United States Code, is amended by adding at the end
10 the following new section:

11 **“§ 357. Incentive pay authorities for members of the**
12 **reserve components of the armed forces**

13 “Notwithstanding section 1004 of this title, the Sec-
14 retary concerned shall pay a member of the reserve compo-
15 nent of an armed force incentive pay in the same monthly
16 amount as that paid to a member in the regular compo-
17 nent of such armed force performing comparable work re-
18 quiring comparable skills.”.

19 (b) TECHNICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 356 the following:

“357. Incentive pay authorities for members of the reserve components of the
armed forces.”.

22 (c) REPORT.—Not later than September 30, 2022,
23 the Secretary of Defense shall submit to the Committees

1 on Armed Services a report regarding the plan of the Sec-
2 retary to implement section 357 of such title, as added
3 by subsection (a), an estimate of the costs of such imple-
4 mentation, and the number of members described in such
5 section.

6 **SEC. 603. EXPANSIONS OF CERTAIN TRAVEL AND TRANS-**
7 **PORTATION AUTHORITIES.**

8 (a) **LODGING IN KIND FOR RESERVE COMPONENT**
9 **MEMBERS PERFORMING TRAINING.—**

10 (1) **IN GENERAL.—**Section 12604 of title 10,
11 United States Code, is amended by adding at the
12 end the following new subsection:

13 “(c) **LODGING IN KIND.—**(1) In the case of a mem-
14 ber of a reserve component performing active duty for
15 training or inactive-duty training who is not otherwise en-
16 titled to travel and transportation allowances in connec-
17 tion with such duty, the Secretary concerned may reim-
18 burse the member for housing service charge expenses in-
19 curred by the member in occupying transient government
20 housing during the performance of such duty. If transient
21 government housing is unavailable or inadequate, the Sec-
22 retary concerned may provide the member with lodging in
23 kind.

1 “(2) Any payment or other benefit under this sub-
2 section shall be provided in accordance with regulations
3 prescribed by the Secretary concerned.

4 “(3) The Secretary may pay service charge expenses
5 under paragraph (1) and expenses of providing lodging in
6 kind under such paragraph out of funds appropriated for
7 operation and maintenance for the reserve component con-
8 cerned. Use of a Government charge card is authorized
9 for payment of these expenses.

10 “(4) Decisions regarding the availability or adequacy
11 of government housing at a military installation under
12 paragraph (1) shall be made by the installation com-
13 mander.”.

14 (2) CONFORMING AMENDMENT.—Section 474
15 of title 37, United States Code, is amended by strik-
16 ing subsection (i).

17 (b) MANDATORY PET QUARANTINE FEES FOR
18 HOUSEHOLD PETS.—Section 451(b)(8) of title 37, United
19 States Code, is amended by adding at the end the fol-
20 lowing: “Such costs include pet quarantine expenses.”.

21 (c) STUDENT DEPENDENT TRANSPORTATION.—

22 (1) IN GENERAL.—Section 452(b) of title 37,
23 United States Code, is amended by adding at the
24 end the following new paragraphs:

1 “(18) Travel by a dependent child to the United
2 States to obtain formal secondary, undergraduate,
3 graduate, or vocational education, if the permanent
4 duty assignment location of the member of the uni-
5 formed services is outside the continental United
6 States (other than in Alaska or Hawaii).

7 “(19) Travel by a dependent child within the
8 United States to obtain formal secondary, under-
9 graduate, graduate, or vocational education, if the
10 permanent duty assignment location of the member
11 of the uniformed services is in Alaska or Hawaii and
12 the school is located in a State outside of the perma-
13 nent duty assignment location.”.

14 (2) DEFINITIONS.—Section 451 of title 37,
15 United States Code, as amended by subsection (b) of
16 this section, is amended—

17 (A) in subsection (a)(2)(H), by adding at
18 the end the following new clauses:

19 “(vii) Transportation of a dependent
20 child of a member of the uniformed serv-
21 ices to the United States to obtain formal
22 secondary, undergraduate, graduate, or vo-
23 cational education, if the permanent duty
24 assignment location of the member is out-

1 side the continental United States (other
2 than in Alaska or Hawaii).

3 “(viii) Transportation of a dependent
4 child of a member of the uniformed serv-
5 ices within the United States to obtain for-
6 mal secondary, undergraduate, graduate,
7 or vocational education, if the permanent
8 duty assignment location of the member is
9 in Alaska or Hawaii and the school is lo-
10 cated in a State outside of the permanent
11 duty assignment location.”; and

12 (B) in subsection (b), by adding at the end
13 the following new paragraph:

14 “(10)(A) The term ‘permanent duty assignment
15 location’ means—

16 “(i) the official station of a member of the
17 uniformed services; or

18 “(ii) the residence of a dependent of a
19 member of the uniformed services.

20 “(B) As used in subparagraph (A)(ii), the resi-
21 dence of a dependent who is a student not living
22 with the member while at school is the permanent
23 duty assignment location of the dependent student.”.

1 (d) DEPENDENT TRANSPORTATION INCIDENT TO
2 SHIP CONSTRUCTION, INACTIVATION, AND OVER-
3 HAULING.—

4 (1) IN GENERAL.—Section 452 of title 37,
5 United States Code, as amended by subsection (c) of
6 this section, is further amended—

7 (A) in subsection (b), by adding at the end
8 the following new paragraph:

9 “(20) Subject to subsection (i), travel by a de-
10 pendent to a location where a member of the uni-
11 formed services is on permanent duty aboard a ship
12 that is overhauling, inactivating, or under construc-
13 tion.”; and

14 (B) by adding at the end the following new
15 subsection:

16 “(i) DEPENDENT TRANSPORTATION INCIDENT TO
17 SHIP CONSTRUCTION, INACTIVATION, AND OVER-
18 HAULING.—The authority under subsection (a) for travel
19 in connection with circumstances described in subsection
20 (b)(19) shall be subject to the following terms and condi-
21 tions:

22 “(1) The Service member must be permanently
23 assigned to the ship for 31 or more consecutive days
24 to be eligible for allowances, and the transportation

1 allowances accrue on the 31st day and every 60 days
2 thereafter.

3 “(2) Transportation in kind, reimbursement for
4 personally procured transportation, or a monetary
5 allowance for mileage in place of the cost of trans-
6 portation may be provided, in lieu of the member’s
7 entitlement to transportation, for the member’s de-
8 pendents from the location that was the home port
9 of the ship before commencement of overhaul or in-
10 activation to the port of overhaul or inactivation.

11 “(3) The total reimbursement for transpor-
12 tation for the member’s dependents may not exceed
13 the cost of one Government-procured commercial
14 round-trip travel.”.

15 (2) DEFINITIONS.—Section 451(a)(2)(H) of
16 title 37, United States Code, as amended by sub-
17 section (e) of this section, is further amended by
18 adding at the end the following new clause:

19 “(ix) Transportation of a dependent
20 to a location where a member of the uni-
21 formed services is on permanent duty
22 aboard a ship that is overhauling, inac-
23 tivating, or under construction.”.

1 **SEC. 604. UNREIMBURSED MOVING EXPENSES FOR MEM-**
2 **BERS OF THE ARMED FORCES: REPORT; POL-**
3 **ICY.**

4 (a) REPORT.—Not later than 60 days after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall submit to the Committees on Armed Services of the
7 Senate and House of Representatives a report on unreim-
8 bursed moving expenses incurred by members of the
9 Armed Forces and their families, disaggregated by Armed
10 Force, rank, and military housing area. In such report,
11 the Secretary shall examine the root causes of such unre-
12 imbursed expenses.

13 (b) POLICY.—The Secretary shall establish a uniform
14 policy regarding unreimbursed expenses described in sub-
15 section (a).

16 **SEC. 605. REPORT ON RELATIONSHIP BETWEEN BASIC AL-**
17 **LOWANCE FOR HOUSING AND SIZES OF MILI-**
18 **TARY FAMILIES.**

19 Not later than 60 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to the Committees on Armed Services of the Senate and
22 House of Representatives a report on whether the basic
23 allowance for housing under section 403 of title 37, United
24 States Code, is sufficient for the average family size of
25 members of the Armed Forces, disaggregated by Armed
26 Force, rank, and military housing area.

1 **SEC. 606. REPORT ON TEMPORARY LODGING EXPENSES IN**
2 **COMPETITIVE HOUSING MARKETS.**

3 Not later than 60 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall submit
5 to the Committees on Armed Services of the Senate and
6 House of Representatives a report on the appropriateness
7 of the maximum payment period of 10 days under sub-
8 section (c) of section 474a of title 37, United States Code
9 in highly competitive housing markets. Such report shall
10 include how the Secretary educates members of the Armed
11 Forces and their families about their ability to request
12 payment under such section.

13 **SEC. 607. REPORT ON RENTAL PARTNERSHIP PROGRAMS.**

14 (a) REPORT REQUIRED.—Not later than 120 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall submit to the appropriate congressional
17 committees a report on the rental partnership programs
18 of the Armed Forces. Such report shall include—

19 (1) the numbers and percentages of members of
20 the Armed Forces who do not live in housing located
21 on military installations who participate in such pro-
22 grams; and

23 (2) the recommendation of the Secretary wheth-
24 er Congress should establish annual funding for
25 such programs and, if so, what in amounts.

1 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means the following:

4 (1) The Committee on Armed Services of the
5 House of Representatives.

6 (2) The Committee on Armed Services of the
7 Senate.

8 (3) The Committee on Transportation and In-
9 frastructure of the House of Representatives.

10 (4) The Committee on Commerce, Science, and
11 Transportation of the Senate.

12 **Subtitle B—Bonuses and Incentive**
13 **Pays**

14 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
15 **BONUS AND SPECIAL PAY AUTHORITIES.**

16 (a) AUTHORITIES RELATING TO RESERVE
17 FORCES.—Section 910(g) of title 37, United States Code,
18 relating to income replacement payments for reserve com-
19 ponent members experiencing extended and frequent mo-
20 bilization for active duty service, is amended by striking
21 “December 31, 2021” and inserting “December 31,
22 2022”.

23 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
24 CARE PROFESSIONALS.—The following sections of title

1 10, United States Code, are amended by striking “Decem-
2 ber 31, 2021” and inserting “December 31, 2022”:

3 (1) Section 2130a(a)(1), relating to nurse offi-
4 cer candidate accession program.

5 (2) Section 16302(d), relating to repayment of
6 education loans for certain health professionals who
7 serve in the Selected Reserve.

8 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-
9 CERS.—Section 333(i) of title 37, United States Code, is
10 amended by striking “December 31, 2021” and inserting
11 “December 31, 2022”.

12 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
13 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
14 THORITIES.—The following sections of title 37, United
15 States Code, are amended by striking “December 31,
16 2021” and inserting “December 31, 2022”:

17 (1) Section 331(h), relating to general bonus
18 authority for enlisted members.

19 (2) Section 332(g), relating to general bonus
20 authority for officers.

21 (3) Section 334(i), relating to special aviation
22 incentive pay and bonus authorities for officers.

23 (4) Section 335(k), relating to special bonus
24 and incentive pay authorities for officers in health
25 professions.

1 (5) Section 336(g), relating to contracting
2 bonus for cadets and midshipmen enrolled in the
3 Senior Reserve Officers' Training Corps.

4 (6) Section 351(h), relating to hazardous duty
5 pay.

6 (7) Section 352(g), relating to assignment pay
7 or special duty pay.

8 (8) Section 353(i), relating to skill incentive
9 pay or proficiency bonus.

10 (9) Section 355(h), relating to retention incen-
11 tives for members qualified in critical military skills
12 or assigned to high priority units.

13 (e) AUTHORITY TO PROVIDE TEMPORARY INCREASE
14 IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section
15 403(b)(7)(E) of title 37, United States Code, is amended
16 by striking “December 31, 2021” and inserting “Decem-
17 ber 31, 2022”.

18 **Subtitle C—Family and Survivor** 19 **Benefits**

20 **SEC. 621. EXPANSION OF PARENTAL LEAVE FOR MEMBERS** 21 **OF THE ARMED FORCES.**

22 (a) EXPANSION.—Section 701 of title 10, United
23 States Code, is amended—

24 (1) in subsection (i)—

25 (A) in paragraph (1)—

- 1 (i) in subparagraph (A), by striking
2 “twelve weeks” and inserting “18 weeks”;
3 (ii) in subparagraph (B), by striking
4 “six weeks” and inserting “12 weeks”; and
5 (iii) by adding at the end the fol-
6 lowing new subparagraph:

7 “(C) Under the regulations prescribed for purposes
8 of this subsection, a member of the armed forces described
9 in paragraph (2) who is the primary caregiver in the case
10 of a long-term placement of a foster child is allowed up
11 to 12 weeks of total leave to be used in connection with
12 such placement, subject to limits as determined by the
13 Secretary regarding—

14 “(i) the total number of times that a member
15 of the armed forces may use leave under this section
16 with respect to the placement of a foster child; and

17 “(ii) the frequency with which a member of the
18 armed forces may use leave under this section with
19 respect to the placement of a foster child.”;

20 (B) in paragraph (5), by striking “birth or
21 adoption” and inserting “birth, adoption, or
22 foster child placement”; and

23 (C) in paragraph (6)(A), by striking “birth
24 or adoption” and inserting “birth, adoption, or
25 foster child placement”;

1 (2) in subsection (j)—

2 (A) in paragraph (1), by striking “21
3 days” and inserting “12 weeks”;

4 (B) by redesignating paragraphs (2)
5 through (4) as paragraphs (3) through (5), re-
6 spectively;

7 (C) by inserting, after paragraph (1), the
8 following new paragraph (2):

9 “(2) Under the regulations prescribed for purposes
10 of this subsection, a member of the armed forces described
11 in subsection (i)(2) who is the secondary caregiver in the
12 case of a long-term placement of a foster child is allowed
13 up to 12 weeks of total leave to be used in connection
14 with such placement, subject to limits as determined by
15 the Secretary regarding—

16 “(A) the total number of times that a member
17 of the armed forces may use leave under this section
18 with respect to the placement of a foster child; and

19 “(B) the frequency with which a member of the
20 armed forces may use leave under this section with
21 respect to the placement of a foster child.”;

22 (D) in paragraph (4), as redesignated, by
23 striking “only in one increment in connection
24 with such birth or adoption” and inserting “in
25 more than one increment in connection with

1 such birth, adoption, or foster child placement
2 in accordance with regulations prescribed by the
3 Secretary of Defense”; and

4 (E) by adding at the end the following new
5 paragraph (6):

6 “(6) Under regulations prescribed for purposes of
7 this subsection, the Secretary shall provide a member of
8 the armed forces described in subsection (i)(2), who would
9 have been a secondary caregiver but for a miscarriage,
10 stillbirth, or infant death, with leave—

11 (A) in addition to leave under subsection (a);
12 and

13 (B) not to exceed the amount of leave under
14 paragraph (1).”;

15 (3) in subsection (l), by inserting “ordered to
16 temporary duty overnight travel, or ordered to par-
17 ticipate in physically demanding field training exer-
18 cises,” before “during”; and

19 (4) by adding at the end the following new sub-
20 section (m):

21 “(m) A member of the armed forces who gives birth
22 while on active duty may be required to meet body com-
23 position standards or pass a physical fitness test during
24 the period of 12 months beginning on the date of such

1 birth only with the approval of a health care provider em-
2 ployed at a military medical treatment facility and—

3 “(1) at the election of such member; or

4 “(2) in the interest of national security, as de-
5 termined by the Secretary of Defense.”.

6 (b) REGULATIONS; GUIDANCE AND POLICIES.—

7 (1) REGULATIONS.—The Secretary of Defense
8 shall prescribe regulations—

9 (A) for leave under subsection (i)(1)(C)
10 and subsection (j)(2) of section 701 of title 10,
11 United States Code, as amended by subsection
12 (a), not later than one year after the date of
13 the enactment of this Act;

14 (B) that establish leave, consistent across
15 the Armed Forces, under subsection (j)(6) of
16 such section not later than one year after the
17 date of the enactment of this Act; and

18 (C) that establish convalescent leave, con-
19 sistent across the Armed Forces, under sub-
20 section (i)(1) of such section not later than 180
21 days after the date of the enactment of this
22 Act.

23 (2) GUIDANCE AND POLICIES.—Each Secretary
24 of a military department shall prescribe—

1 (A) policies to establish the maximum
2 amount of leave under subsection (i)(1) of sec-
3 tion 701 of title 10, United States Code, as
4 amended by subsection (a), not later than one
5 year after the date of the enactment of this Act;

6 (B) policies to implement leave under sub-
7 section (i)(5) or (j)(4) of such section not later
8 than 180 days after the date of the enactment
9 of this Act;

10 (C) policies to implement not less than 21
11 days of leave pursuant to regulations prescribed
12 under paragraphs (1) and (2) of subsection (j)
13 of such section not later than one year after the
14 date of the enactment of this Act; and

15 (D) policies to implement the maximum
16 amount of leave pursuant to regulations pre-
17 scribed under paragraphs (1) and (2) of sub-
18 section (j) of such section not later than five
19 years after the date of the enactment of this
20 Act.

21 (c) REPORTING.—Not later than January 1, 2023,
22 and annually thereafter, each Secretary of a military de-
23 partment shall submit to the appropriate congressional
24 committees a report containing the following:

1 (1) The use, during the preceding fiscal year, of
2 leave under subsections (i) and (j) of section 701 of
3 title 10, United States Code, as amended by sub-
4 section (a), disaggregated by births, adoptions, and
5 foster placements, including—

6 (A) the number of members in each Armed
7 Force under the jurisdiction of the Secretary
8 who became primary caregivers;

9 (B) the number of members in each Armed
10 Force under the jurisdiction of the Secretary
11 who became secondary caregivers;

12 (C) the number of primary caregivers who
13 used primary caregiver leave;

14 (D) the number of secondary caregivers
15 who used secondary caregiver leave;

16 (E) the number of primary caregivers who
17 used the maximum amount of primary caregiver
18 leave;

19 (F) the number of secondary caregivers
20 who used the maximum amount of secondary
21 caregiver leave;

22 (G) the number of primary caregivers who
23 utilized primary caregiver leave in multiple in-
24 crements;

1 (H) the number of secondary caregivers
2 who utilized primary caregiver leave in multiple
3 increments;

4 (I) the median duration of primary care-
5 giver leave used by primary caregivers;

6 (J) the median duration of secondary care-
7 giver leave used by secondary caregivers; and

8 (K) other information the Secretary deter-
9 mines appropriate.

10 (2) An analysis of the effect of leave described
11 in paragraph (1) on—

12 (A) readiness; and

13 (B) retention.

14 (3) Any actions taken by the Secretary to miti-
15 gate negative effects described in paragraph (2).

16 (4) The number of members deployed under
17 each paragraph of subsection (l) of section 701 of
18 title 10, United States Code, as amended by sub-
19 section (a).

20 (d) APPROPRIATE CONGRESSIONAL COMMITTEES

21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means—

23 (1) The Committee on Armed Services of the
24 House of Representatives.

1 (2) The Committee on Armed Services of the
2 Senate.

3 (3) The Committee on Transportation and In-
4 frastructure of the House of Representatives.

5 (4) The Committee on Commerce, Science, and
6 Transportation of the Senate.

7 **SEC. 622. TRANSITIONAL COMPENSATION AND BENEFITS**
8 **FOR THE FORMER SPOUSE OF A MEMBER OF**
9 **THE ARMED FORCES WHO ALLEGEDLY COM-**
10 **MITTED A DEPENDENT-ABUSE OFFENSE DUR-**
11 **ING MARRIAGE.**

12 (a) IN GENERAL.—Section 1059 of title 10, United
13 States Code, is amended—

14 (1) in the heading—

15 (A) by striking “**separated for**” and in-
16 sserting “**who commit**”; and

17 (B) by inserting “**; health care**” after
18 “**exchange benefits**”;

19 (2) in subsection (b)—

20 (A) in the heading, by striking “PUNITIVE
21 AND OTHER ADVERSE ACTIONS COVERED” and
22 inserting “COVERED MEMBERS”;

23 (B) in paragraph (2), by striking “of-
24 fense.” and inserting “offense; or”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(3) who is not described in paragraph (1) or
4 (2) and whose former spouse alleges that the mem-
5 ber committed a dependent-abuse offense—

6 “(A) during the marriage to the former
7 spouse;

8 “(B) for which the applicable statute of
9 limitations has not lapsed; and

10 “(C) that an incident determination com-
11 mittee determines meets the criteria for
12 abuse.”;

13 (3) in subsection (e)(1)—

14 (A) in subparagraph (A)(ii), by striking “;
15 and” and inserting a semicolon;

16 (B) in subparagraph (B), by striking the
17 period at the end and inserting “; and”; and

18 (C) by adding at the end the following new
19 subparagraph:

20 “(C) in the case of a member described in sub-
21 section (b)(3), shall commence upon the date of the
22 final decree of divorce, dissolution, or annulment of
23 that member from the former spouse described in
24 such subsection.”; and

1 (4) by adding at the end the following new sub-
2 section:

3 “(n) HEALTH CARE FOR CERTAIN FORMER
4 SPOUSES.—The Secretary concerned shall treat a former
5 spouse described in subsection (b)(3) as an abused de-
6 pendent described in section 1076(e) of this title.”.

7 (b) TECHNICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 53 of such title is amended
9 by striking the item relating to section 1059 and inserting
10 the following:

 “1059. Dependents of members who commit dependent abuse: transitional com-
 pensation; commissary and exchange benefits; health care.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this Act shall apply to a former spouse described in sub-
13 section (b)(3) of such section 1059, as added by subsection
14 (a)(2) of this section, whose final decree of divorce, dis-
15 solution, or annulment described in subsection (e)(1)(C)
16 of such section 1059, as added by subsection (a)(3) of this
17 section, is issued on or after the date of the enactment
18 of this Act.

19 **SEC. 623. CLAIMS RELATING TO THE RETURN OF PER-**
20 **SONAL EFFECTS OF A DECEASED MEMBER**
21 **OF THE ARMED FORCES.**

22 Section 1482(a) of title 10, United States Code, is
23 amended by adding at the end the following new para-
24 graph:

1 “(11)(A) Delivery of personal effects of a dece-
2 dent to the next of kin or other appropriate person.

3 “(B) If the Secretary concerned enters into an
4 agreement with an entity to carry out subparagraph
5 (A), the Secretary concerned shall pursue a claim
6 against such entity that arises from the failure of
7 such entity to substantially perform such subpara-
8 graph.

9 “(C) If an entity described in subparagraph (B)
10 fails to substantially perform subparagraph (A) by
11 damaging, losing, or destroying the personal effects
12 of a decedent, the Secretary concerned shall reim-
13 burse the person designated under subsection (c) the
14 fair market value of the damage, loss, or destruction
15 of such personal effects. The Secretary concerned
16 may request from, the person designated under sub-
17 section (c), proof of fair market value and ownership
18 of the personal effects.”.

19 **SEC. 624. SPACE-AVAILABLE TRAVEL FOR CHILDREN, SUR-**
20 **VIVING SPOUSES, PARENTS, AND SIBLINGS**
21 **OF MEMBERS OF THE ARMED FORCES WHO**
22 **DIE WHILE SERVING IN THE ACTIVE MILI-**
23 **TARY, NAVAL, OR AIR SERVICE.**

24 (a) EXPANSION OF ELIGIBILITY.—Section 2641b(c)
25 of title 10, United States Code, is amended—

1 (1) by redesignating paragraph (6) as para-
2 graph (7); and

3 (2) by inserting after paragraph (5) the fol-
4 lowing new paragraph (6):

5 “(6) Children, surviving spouses, parents, and
6 siblings of members of the armed forces who die
7 while serving in the active military, naval, or air
8 service (as that term is defined in section 101 of
9 title 38).”.

10 (b) RELATED INSTRUCTION.—Not later than 90 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall revise Department of Defense Instruction
13 4515.13 to ensure that individuals eligible for space-avail-
14 able travel on aircraft of the Department under paragraph
15 (6) of such section, as amended by subsection (a), are
16 placed in a category of travellers not lower than category
17 V.

18 **SEC. 625. TRAVEL AND TRANSPORTATION ALLOWANCES**
19 **FOR FAMILY MEMBERS TO ATTEND THE FU-**
20 **NERAL AND MEMORIAL SERVICES OF MEM-**
21 **BERS.**

22 Section 452(b) of title 37, United States Code, is
23 amended by adding at the end the following new para-
24 graph:

1 “(18) Presence of family members at the fu-
2 neral and memorial services of members.”.

3 **SEC. 626. EXPANSION OF PILOT PROGRAM TO PROVIDE FI-**
4 **NANCIAL ASSISTANCE TO MEMBERS OF THE**
5 **ARMED FORCES FOR IN-HOME CHILD CARE.**

6 Section 589(b) of the William M. (Mac) Thornberry
7 National Defense Authorization Act for Fiscal Year 2021
8 (Public Law 116–283) is amended—

9 (1) by inserting “(1)” before “The Secretary”;
10 and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) The Secretary may carry out the pilot program
14 at other locations the Secretary determines appropriate.”.

15 **SEC. 627. CONTINUATION OF PAID PARENTAL LEAVE FOR A**
16 **MEMBER OF THE ARMED FORCES UPON**
17 **DEATH OF CHILD.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Secretary of Defense shall amend
20 the regulations prescribed pursuant to subsections (i) and
21 (j) of section 701 of title 10, United States Code, to en-
22 sure that paid parental leave that has already been ap-
23 proved for a member of the Armed Forces who is a pri-
24 mary or secondary caregiver (as defined under such regu-

1 lations) may not be terminated upon the death of the child
2 for whom such leave is taken.

3 **SEC. 628. CASUALTY ASSISTANCE PROGRAM: REFORM; ES-**
4 **TABLISHMENT OF WORKING GROUP.**

5 (a) CASUALTY ASSISTANCE REFORM WORKING
6 GROUP.—

7 (1) ESTABLISHMENT.—Not later than 60 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall establish a working group to
10 be known as the “Casualty Assistance Reform
11 Working Group” (in this section referred to as the
12 “Working Group”).

13 (2) DUTIES.—The Working Group shall per-
14 form the following duties:

15 (A) Create standards and training for
16 CAOs across the military departments.

17 (B) Explore the possibility of establishing
18 a unique badge designation for—

19 (i) CAOs who have performed CAO
20 duty more than five times; or

21 (ii) professional CAOs.

22 (C) Commission a 30-day study that—

23 (i) documents the current workflow of
24 casualty affairs support across the military

1 departments, including administrative
2 processes and survivor engagements; and

3 (ii) performs a gap analysis and solu-
4 tion document that clearly identifies and
5 prioritizes critical changes to modernize
6 and professionalize the casualty experience
7 for survivors.

8 (D) Review the organization of the Office
9 of Casualty, Mortuary Affairs and Military Fu-
10 neral Honors to ensure it is positioned to co-
11 ordinate policy and assist in all matters under
12 its jurisdiction, across the Armed Forces, in-
13 cluding any potential intersections with the De-
14 fense Prisoner of War and Missing in Action
15 Accounting Agency.

16 (E) Explore the establishment of—

17 (i) an annual meeting, led by the Sec-
18 retary of Defense, with gold star families;
19 and

20 (ii) a surviving and gold star family
21 leadership council.

22 (F) Recommend improvements to the fam-
23 ily notification process of Arlington National
24 Cemetery.

1 (G) Explore the redesign of the Days
2 Ahead Binder, including creating an electronic
3 version.

4 (H) Consider the expansion of the DD
5 Form 93 to include more details regarding the
6 last wishes of the deceased member.

7 (I) Assess coordination between the De-
8 partment of Defense and the Office of Sur-
9 vivors Assistance of the Department of Vet-
10 erans Affairs.

11 (3) MEMBERSHIP.—The membership of the
12 Working Group shall be comprised of the following:

13 (A) The Under Secretary of Defense for
14 Personnel and Readiness, who shall serve as
15 Chair of the Working Group.

16 (B) One individual from each Armed
17 Force, appointed by the Secretary of the mili-
18 tary department concerned, who is—

19 (i) a civilian employee in the Senior
20 Executive Service; or

21 (ii) an officer in a grade higher than
22 O-6.

23 (C) One individual from the Joint Staff,
24 appointed by the Secretary of Defense, who
25 is—

1 (i) a civilian employee in the Senior
2 Executive Service; or

3 (ii) an officer in a grade higher than
4 O-6.

5 (D) The Director of the Defense Prisoner
6 of War and Missing in Action Accounting Agen-
7 cy.

8 (E) The Director of the Defense Health
9 Agency (or the designee of such Director).

10 (F) The Chief of Chaplains of each Armed
11 Force.

12 (G) Such other members of the Armed
13 Forces or civilian employees of the Department
14 of Defense whom the Secretary of Defense de-
15 termines to appoint.

16 (4) REPORT.—Not later than September 30,
17 2022, the Working Group shall submit to the Sec-
18 retary of Defense a report containing the determina-
19 tions and recommendations of the Working Group.

20 (5) TERMINATION.—The Working Group shall
21 terminate upon submission of the report under para-
22 graph (4).

23 (b) REPORT REQUIRED.—Not later than November
24 1, 2022, the Secretary of Defense shall submit to the
25 Committees on Armed Services of the Senate and the

1 House of Representatives a report setting forth the results
2 of a review and assessment of the casualty assistance offi-
3 cer program, including the report of the Working Group.

4 (c) ESTABLISHMENT OF CERTAIN DEFINITIONS.—
5 Not later than 90 days after the date of the enactment
6 of this Act, the Secretary of Defense, in coordination with
7 the Secretaries of the military departments, shall prescribe
8 regulations that establish standard definitions, for use
9 across the military departments, of the terms “gold star
10 family” and “gold star survivor”.

11 (d) CAO DEFINED.—In this section, the term
12 “CAO” means a casualty assistance officer of the Armed
13 Forces.

14 **Subtitle D—Defense Resale Matters**

15 **SEC. 631. ADDITIONAL SOURCES OF FUNDS AVAILABLE FOR** 16 **CONSTRUCTION, REPAIR, IMPROVEMENT,** 17 **AND MAINTENANCE OF COMMISSARY** 18 **STORES.**

19 Section 2484(h) of title 10, United States Code, is
20 amended—

21 (1) in paragraph (5), by adding at the end the
22 following new subparagraphs:

23 “(F) Amounts made available for any purpose
24 set forth in paragraph (1) pursuant to an agreement
25 with a host nation.

1 “(G) Amounts appropriated for repair or recon-
2 struction of a commissary store in response to a dis-
3 aster or emergency.”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(6) Revenues made available under paragraph (5)
7 for the purposes set forth in paragraphs (1), (2), and (3)
8 may be supplemented with additional funds derived
9 from—

10 “(A) improved management practices imple-
11 mented pursuant to sections 2481(c)(3), 2485(b),
12 and 2487(c) of this title; and

13 “(B) the variable pricing program implemented
14 pursuant to subsection (i).”.

15 **Subtitle E—Miscellaneous Rights** 16 **and Benefits**

17 **SEC. 641. ELECTRONIC OR ONLINE NOTARIZATION FOR** 18 **MEMBERS OF THE ARMED FORCES.**

19 Section 1044a of title 10, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(e)(1) A person named in subsection (b) may exer-
23 cise the powers described in subsection (a) through elec-
24 tronic or online means, including under circumstances
25 where the individual with respect to whom such person

1 is performing the notarial act is not physically present in
2 the same location as such person.

3 “(2) A determination of the authenticity of a notarial
4 act authorized in this section shall be made without regard
5 to whether the notarial act was performed through elec-
6 tronic or online means.

7 “(3) A log or journal of a notarial act authorized in
8 this section shall be considered for evidentiary purposes
9 without regard to whether the log or journal is in elec-
10 tronic or online form.”.

11 **SEC. 642. TERMINATION OF TELEPHONE, MULTICHANNEL**
12 **VIDEO PROGRAMMING, AND INTERNET AC-**
13 **CESS SERVICE CONTRACTS BY**
14 **SERVICEMEMBERS WHO ENTER INTO CON-**
15 **TRACTS AFTER RECEIVING MILITARY OR-**
16 **TERS FOR PERMANENT CHANGE OF STATION**
17 **BUT THEN RECEIVE STOP MOVEMENT OR-**
18 **TERS DUE TO AN EMERGENCY SITUATION.**

19 (a) IN GENERAL.—Section 305A(a)(1) of the
20 Servicemembers Civil Relief Act (50 U.S.C. 3956) is
21 amended—

22 (1) by striking “after the date the servicemem-
23 ber receives military orders to relocate for a period
24 of not less than 90 days to a location that does not
25 support the contract.” and inserting “after—”; and

1 (2) by adding at the end the following new sub-
2 paragraphs:

3 “(A) the date the servicemember receives
4 military orders to relocate for a period of not
5 less than 90 days to a location that does not
6 support the contract; or

7 “(B) the date the servicemember, while in
8 military service, receives military orders for a
9 permanent change of station, thereafter enters
10 into the contract, and then after entering into
11 the contract receives a stop movement order
12 issued by the Secretary of Defense in response
13 to a local, national, or global emergency, effec-
14 tive for an indefinite period or for a period of
15 not less than 30 days, which prevents the serv-
16 icemember from using the services provided
17 under the contract.”.

18 (b) RETROACTIVE APPLICATION.—The amendments
19 made by this section shall apply to stop movement orders
20 issued on or after March 1, 2020.

21 **SEC. 643. SPACE AVAILABLE TRAVEL FOR MEMBERS OF**
22 **THE ARMED FORCES TO ATTEND FUNERALS**
23 **AND MEMORIAL SERVICES.**

24 The Secretary of Defense shall modify the space
25 available travel program established pursuant to section

1 2641b of title 10, United States Code, to include, as au-
2 thorized category II travel, space available travel for a
3 member of the Armed Forces when the primary purpose
4 of the member's travel is to attend a funeral or memorial
5 service.

6 **SEC. 644. ALEXANDER LOFGREN VETERANS IN PARKS PRO-**
7 **GRAM.**

8 Section 805 of the Federal Lands Recreation En-
9 hancement Act (Public Law 108–447; 118 Stat. 3385; 16
10 U.S.C. 6804) is amended—

11 (1) in subsection (a)(4), by striking “age and
12 disability discounted” and inserting “age discount
13 and lifetime”; and

14 (2) in subsection (b)—

15 (A) in the heading, by striking “DIS-
16 COUNTED” and inserting “FREE AND DIS-
17 COUNTED”;

18 (B) in paragraph (2)—

19 (i) in the heading, by striking “DIS-
20 ABILITY DISCOUNT” and inserting “LIFE-
21 TIME PASSES”; and

22 (ii) by striking subparagraph (B) and
23 inserting the following:

1 “(B) Any veteran who provides adequate
2 proof of military service as determined by the
3 Secretary.

4 “(C) Any member of a Gold Star Family
5 who meets the eligibility requirements of section
6 3.2 of Department of Defense Instruction
7 1348.36 (or a successor instruction).”; and

8 (C) in paragraph (3)—

9 (i) in the heading, by striking “GOLD
10 STAR FAMILIES PARKS PASS” and inserting
11 “ANNUAL PASSES”; and

12 (ii) by striking “members of” and all
13 that follows through the end of the sen-
14 tence and inserting “members of the
15 Armed Forces and their dependents who
16 provide adequate proof of eligibility for
17 such pass as determined by the Sec-
18 retary.”.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—TRICARE and Other**
4 **Health Care Benefits**

5 **SEC. 701. IMPROVEMENT OF POSTPARTUM CARE FOR CER-**
6 **TAIN MEMBERS OF THE ARMED FORCES AND**
7 **DEPENDENTS.**

8 (a) POSTPARTUM CARE FOR CERTAIN MEMBERS AND
9 DEPENDENTS.—

10 (1) POSTPARTUM CARE.—Chapter 55 of title
11 10, United States Code, is amended by inserting
12 after section 1074o the following new section:

13 **“§ 1074p. Postpartum care for certain members and**
14 **dependents**

15 “(a) POSTPARTUM MENTAL HEALTH ASSESS-
16 MENTS.—(1) At the intervals described in paragraph (2),
17 and upon the consent of the covered individual, the Sec-
18 retary shall furnish to a covered individual postpartum
19 mental health assessments, which shall include screening
20 questions related to postpartum anxiety and postpartum
21 depression.

22 “(2) The intervals described in this subparagraph
23 are, with respect to the date on which the covered indi-
24 vidual gives birth, as follows:

25 “(A) One month after such date.

1 “(B) Two months after such date.

2 “(C) Four months after such date.

3 “(D) Six months after such date.

4 “(3) The Secretary may adjust the intervals de-
5 scribed in paragraph (2) as the Secretary determines ap-
6 propriate, taking into account the recommendations of es-
7 tablished professional medical associations such as the
8 American Academy of Pediatrics.

9 “(4) Postpartum mental health assessments fur-
10 nished under paragraph (1) may be provided concurrently
11 with the well-child visits for the infant of the covered indi-
12 vidual, including with respect to the initial well-child visit
13 specified in subsection (c).

14 “(b) PELVIC HEALTH.—(1) Prior to the initial
15 postpartum discharge of a covered individual from the
16 military medical treatment facility at which the covered
17 individual gave birth, the Secretary shall furnish to the
18 covered individual a medical evaluation for pelvic health.

19 “(2) The Secretary shall ensure that if, as the result
20 of an evaluation furnished pursuant to paragraph (1), the
21 health care provider who provided such evaluation deter-
22 mines that physical therapy for pelvic health (including
23 the pelvic floor) is appropriate, a consultation for such
24 physical therapy is provided upon discharge and in connec-
25 tion with a follow-up appointment of the covered individual

1 for postpartum care that occurs during the period that
2 is six to eight weeks after the date on which the covered
3 individual gives birth.

4 “(3) Consultations offered pursuant to paragraph (2)
5 shall be conducted in-person wherever possible, but if the
6 Secretary determines that a covered individual for whom
7 the consultation is offered is located in a geographic area
8 with an inadequate number of physical therapists or
9 health professionals trained in providing such consulta-
10 tions, the consultation may be provided through a tele-
11 health appointment.

12 “(c) CONCURRENT SCHEDULING OF CERTAIN AP-
13 POINTMENTS.—The Secretary shall ensure that there is
14 provided within each military medical treatment facility an
15 option for any covered individual who has given birth at
16 the facility, and who is eligible to receive care at the facil-
17 ity, to schedule a follow-up appointment for postpartum
18 care of the covered individual that is concurrent with the
19 date of the initial well-child visit for the infant of the cov-
20 ered individual.

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘covered individual’ means a
23 member of the armed forces (including the reserve
24 components) performing active service, or a depend-

1 ent of such member, who is entitled to medical care
2 under this chapter.

3 “(2) The term ‘well-child visit’ means a regu-
4 larly scheduled medical appointment with a pediatri-
5 cian for the general health and development of a
6 child, as recommended by the American Academy of
7 Pediatrics or a similarly established professional
8 medical association.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by inserting after the item relating to section 1074o
12 the following new item:

“1074p. Postpartum care for certain members and dependents.”.

13 (3) EFFECTIVE DATE AND APPLICABILITY.—
14 The amendments made by this subsection shall take
15 effect on the date of the enactment of this Act and
16 shall apply with respect to births that occur on or
17 after the date that is six months after the date of
18 the enactment of this Act.

19 (b) STANDARDIZED POLICIES.—Not later than after
20 180 days after the date of the enactment of this Act, the
21 Secretary of Defense shall—

22 (1) develop a standardized policy under which
23 neither a member of the Armed Forces who gives
24 birth while on active duty, nor a member of the re-
25 serve components who gives birth (regardless of

1 whether such birth occurs while the member of the
2 reserve components is performing active service),
3 may be required to take a physical fitness test until
4 the date that is one year after the date on which
5 such member gave birth;

6 (2) develop a standardized policy for
7 postpartum body composition assessments with re-
8 spect to such members; and

9 (3) ensure the policies developed under para-
10 graphs (1) and (2) are implemented uniformly
11 across each of the Armed Forces.

12 (c) PILOT PROGRAM TO STREAMLINE POSTPARTUM
13 APPOINTMENTS.—

14 (1) PILOT PROGRAM.—The Secretary shall
15 carry out a one-year pilot program to further
16 streamline the process of scheduling postpartum ap-
17 pointments at military medical treatment facilities
18 by reducing the number of distinct visits required
19 for such appointments.

20 (2) STREAMLINING OF APPOINTMENTS.—In
21 carrying out the pilot program under paragraph (1),
22 the Secretary shall ensure that there is provided
23 within each military medical treatment facility se-
24 lected under paragraph (3) an option for covered in-
25 dividuals who have recently given birth at the facil-

1 ity, and who are eligible to receive care at the facil-
2 ity, to receive a physical therapy evaluation in con-
3 nection with each appointment provided by the facil-
4 ity for postpartum care of the covered individual or
5 for care of the infant of the covered individual, in-
6 cluding such appointments provided concurrently
7 pursuant to section 1074p(c) of title 10, United 25
8 States Code (as added by subsection (a)).

9 (3) SELECTION.—The Secretary shall select not
10 fewer than three military medical treatment facilities
11 from each military department at which to carry out
12 the pilot program under paragraph (1). In making
13 such selection—

14 (A) the Secretary may not select a military
15 medical treatment facility that already provides
16 covered individuals with the option to receive a
17 physical therapy evaluation as specified in para-
18 graph (2); and

19 (B) the Secretary shall ensure geographic
20 diversity with respect to the location of the mili-
21 tary medical treatment facilities, including by
22 considering for selection military medical treat-
23 ment facilities located outside of the United
24 States.

1 (4) REPORT.—Not later than one year after the
2 commencement of the pilot program under para-
3 graph (1), the Secretary shall submit to the Com-
4 mittees on Armed Services of the House of Rep-
5 resentatives and the Senate a report on the effective-
6 ness of the pilot program. Such report shall in-
7 clude—

8 (A) a recommendation by the Secretary on
9 whether to expand or extend the pilot program;
10 and

11 (B) a summary of the findings that led to
12 such recommendation.

13 (5) COVERED INDIVIDUAL DEFINED.—In this
14 subsection, the term “covered individual” has the
15 meaning given such term in section 1074p(d) of title
16 10, United States Code (as added by subsection (a)).

17 (d) PELVIC HEALTH AT MILITARY MEDICAL TREAT-
18 MENT FACILITIES.—The Secretary shall take such steps
19 as are necessary to increase the capacity of military med-
20 ical treatment facilities to provide pelvic health rehabilita-
21 tion services, including by increasing the number of phys-
22 ical therapists employed at such facilities who are trained
23 in pelvic health rehabilitation.

24 (e) REVIEW OF PELVIC HEALTH REHABILITATION
25 PROGRAMS.—

1 (1) REVIEW.—The Secretary shall conduct a re-
2 view of any current pelvic health rehabilitation pro-
3 grams of the Department of Defense, including an
4 evaluation of the outcomes of any such programs.

5 (2) REPORT.—Not later than nine months after
6 the date of the enactment of this Act, the Secretary
7 shall submit to the Committees on Armed Services
8 of the House of Representatives and the Senate a
9 report containing the findings of the review under
10 paragraph (1).

11 (f) GUIDANCE ON OBSTETRIC HEMORRHAGE TREAT-
12 MENT.—Not later than 180 days after the date of the en-
13 actment of this Act, the Secretary shall issue guidance on
14 the development and implementation of standard protocols
15 across the military health system for the treatment of ob-
16 stetric hemorrhages, including through the use of patho-
17 gen reduced resuscitative blood products.

18 **SEC. 702. EATING DISORDERS TREATMENT FOR CERTAIN**
19 **MEMBERS OF THE ARMED FORCES AND DE-**
20 **PENDENTS.**

21 (a) EATING DISORDERS TREATMENT FOR CERTAIN
22 DEPENDENTS.—Section 1079 of title 10, United States
23 Code, is amended—

24 (1) in subsection (a), by adding at the end the
25 following new paragraph:

1 “(18) Treatment for eating disorders may be
2 provided in accordance with subsection (r).”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(r)(1) The provision of health care services for an
6 eating disorder under subsection (a)(18) shall include the
7 following services:

8 “(A) Inpatient services, including residential
9 services.

10 “(B) Outpatient services for in-person or tele-
11 health care, including partial hospitalization services
12 and intensive outpatient services.

13 “(2) A dependent may be provided health care serv-
14 ices for an eating disorder under subsection (a)(18) with-
15 out regard to—

16 “(A) the age of the dependent, except with re-
17 spect to residential services under paragraph (1)(A),
18 which may be provided only to a dependent who is
19 not eligible for hospital insurance benefits under
20 part A of title XVIII of the Social Security Act (42
21 U.S.C. 1395c et seq.); and

22 “(B) whether the eating disorder is the primary
23 or secondary diagnosis of the dependent.

24 “(3) In this section, the term ‘eating disorder’ has
25 the meaning given the term ‘feeding and eating disorders’

1 in the Diagnostic and Statistical Manual of Mental Dis-
2 orders, 5th Edition (or successor edition), published by the
3 American Psychiatric Association.”.

4 (b) LIMITATION WITH RESPECT TO RETIREES.—

5 (1) IN GENERAL.—Section 1086(a) of title 10,
6 United States Code, is amended by inserting “and
7 (except as provided in subsection (i)) treatments for
8 eating disorders” after “eye examinations”.

9 (2) EXCEPTION.—Such section is further
10 amended by adding at the end the following new
11 subsection:

12 “(i) If, prior to October 1, 2022, a category of per-
13 sons covered by this section was eligible to receive a spe-
14 cific type of treatment for eating disorders under a plan
15 contracted for under subsection (a), the general prohibi-
16 tion on the provision of treatments for eating disorders
17 specified in such subsection shall not apply with respect
18 to the provision of the specific type of treatment to such
19 category of persons.”.

20 (c) IDENTIFICATION AND TREATMENT OF EATING
21 DISORDERS FOR MEMBERS OF THE ARMED FORCES.—

22 (1) IN GENERAL.—Section 1090 of title 10,
23 United States Code, is amended—

24 (A) in the heading, by inserting “**eating**
25 **disorders and**” after “**treating**”;

1 (B) by striking “The Secretary of De-
2 fense” and inserting the following:

3 “(a) IDENTIFICATION AND TREATMENT OF EATING
4 DISORDERS AND DRUG AND ALCOHOL DEPENDENCE.—
5 Except as provided in subsection (b), the Secretary of De-
6 fense”;

7 (C) by inserting “have an eating disorder
8 or” before “are dependent on drugs or alcohol”;
9 and

10 (D) by adding at the end the following new
11 subsections:

12 “(b) FACILITIES AVAILABLE TO INDIVIDUALS WITH
13 EATING DISORDERS.—For purposes of this section, ‘nec-
14 essary facilities’ described in subsection (a) shall include,
15 with respect to individuals who have an eating disorder,
16 facilities that provide the services specified in section
17 1079(r)(1) of this title.

18 “(c) EATING DISORDER DEFINED.—In this section,
19 the term ‘eating disorder’ has the meaning given that term
20 in section 1079(r) of this title.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 55 of title 10,
23 United States Code, is amended by striking the item
24 relating to section 1090 and inserting the following
25 new item:

“1090. Identifying and treating eating disorders and drug and alcohol dependence.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 2022.

3 **SEC. 703. MODIFICATIONS RELATING TO COVERAGE OF**
4 **TELEHEALTH SERVICES UNDER TRICARE**
5 **PROGRAM AND OTHER MATTERS.**

6 (a) COVERAGE OF TELEHEALTH SERVICES UNDER
7 TRICARE PROGRAM DURING CERTAIN HEALTH EMER-
8 GENCIES.—

9 (1) COVERAGE DURING HEALTH EMER-
10 GENCIES.—Chapter 55 of title 10, United States
11 Code, is amended by inserting after section 1076f
12 the following new section:

13 **“§ 1076g. TRICARE program: coverage of telehealth**
14 **services during certain health emer-**
15 **gencies**

16 **“(a) TELEHEALTH COVERAGE REQUIREMENTS.—**
17 **During a covered health emergency—**

18 **“(1) no cost sharing amount (including copay-**
19 **ments and deductibles, as applicable) may be**
20 **charged under the TRICARE program to a covered**
21 **beneficiary for a telehealth service;**

22 **“(2) telehealth appointments that involve audio**
23 **communication shall be considered to be telehealth**
24 **appointments for purposes of coverage under the**

1 TRICARE program, notwithstanding that such ap-
2 pointments do not involve video communication; and

3 “(3) the Secretary of Defense may reimburse
4 providers of telehealth services under the TRICARE
5 program for the provision of such services to covered
6 beneficiaries regardless of whether the provider is li-
7 censed in the State in which the covered beneficiary
8 is located.

9 “(b) APPLICATION TO OVERSEAS PROVIDERS.—Sub-
10 section (a)(3) shall apply with respect to a provider located
11 in a foreign country if the provider holds a license to prac-
12 tice that is determined by the Secretary to be an equiva-
13 lent to a U.S. license and the provider is authorized to
14 practice by the respective foreign government.

15 “(c) EXTENSION.—The Secretary may extend the
16 coverage requirements under subsection (a) for a period
17 of time after the date on which a covered health emergency
18 terminates, as determined appropriate by the Secretary.

19 “(d) COVERED HEALTH EMERGENCY DEFINED.—In
20 this section, the term ‘covered health emergency’ means
21 a national emergency or disaster related to public health
22 that is declared pursuant to the National Emergencies Act
23 (50 U.S.C. 1601 et seq.), the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
25 seq.), section 319 of the Public Health Service Act (42

1 U.S.C. 247d), or any other Federal law determined rel-
2 evant by the Secretary.”.

3 (2) CLERICAL AMENDMENT.—Such chapter is
4 further amended in the table of sections by inserting
5 after the item relating to section 1076f the following
6 new item:

“1076g. TRICARE program: coverage of telehealth services during certain
health emergencies.”.

7 (3) APPLICATION AND EXTENSION FOR COVID-
8 19.—

9 (A) APPLICATION.—The amendments
10 made by paragraph (1) shall apply with respect
11 to the emergency declared by the President on
12 March 13, 2020, pursuant to section 501(b) of
13 the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (42 U.S.C. 5191(b))
15 with respect to the coronavirus disease 2019
16 (COVID-19).

17 (B) EXTENSION.—The Secretary shall ex-
18 tend the telehealth coverage requirements pur-
19 suant to section 1074g(c) of title 10, United
20 States Code, as added by paragraph (1), until
21 the date that is 180 days after the date on
22 which the emergency specified in subparagraph
23 (A) terminates.

1 (b) PILOT PROGRAM TO PLACE CERTAIN RETIRED
2 MEMBERS OF THE ARMED FORCES IN THE READY RE-
3 SERVE; PAY.—

4 (1) AUTHORITY.—

5 (A) IN GENERAL.—Notwithstanding sec-
6 tion 10145 of title 10, United States Code, the
7 Secretary of a military department may pre-
8 scribe regulations to carry out a pilot program
9 under which a retired member of a regular com-
10 ponent of the Armed Forces entitled to retired
11 pay may be placed in the Ready Reserve if the
12 Secretary concerned—

13 (i) determines that the retired mem-
14 ber has more than 20 years of creditable
15 service in that regular component; and

16 (ii) makes a special finding that the
17 member possesses a skill in which the
18 Ready Reserve of the Armed Force con-
19 cerned has a critical shortage of personnel.

20 (B) LIMITATION ON DELEGATION.—The
21 authority of the Secretary concerned under sub-
22 paragraph (A) may not be delegated—

23 (i) to a civilian officer or employee of
24 the military department concerned below
25 the level of Assistant Secretary; or

1 (ii) to a member of the Armed Forces
2 below the level of the lieutenant general or
3 vice admiral in an Armed Force with re-
4 sponsibility for military personnel policy in
5 that Armed Force.

6 (2) PAY FOR DUTIES PERFORMED IN THE
7 READY RESERVE IN ADDITION TO RETIRED PAY.—
8 Notwithstanding section 12316 of such title 10, a
9 member placed in the Ready Reserve under para-
10 graph (1) may receive—

11 (A) retired pay; and

12 (B) the pay and allowances authorized by
13 law for duty that member performs.

14 (3) TERMINATION.—A pilot program under this
15 subsection shall terminate not later than four years
16 after the date of the enactment of this Act.

17 (4) REPORT.—Not later than 90 days after a
18 pilot program terminates under paragraph (3), the
19 Secretary concerned shall submit to the Committees
20 on Armed Services of the Senate and House of Rep-
21 resentatives a report regarding such pilot program,
22 including the recommendation of the Secretary con-
23 cerned whether such pilot program should be made
24 permanent.

1 (c) SURVIVOR BENEFIT PLAN OPEN ENROLLMENT
2 PERIOD.—

3 (1) PERSONS NOT CURRENTLY PARTICIPATING
4 IN SURVIVOR BENEFIT PLAN.—

5 (A) ELECTION OF SBP COVERAGE.—An eli-
6 gible retired or former member may elect to
7 participate in the Survivor Benefit Plan during
8 the open enrollment period specified in para-
9 graph (4).

10 (B) ELIGIBLE RETIRED OR FORMER MEM-
11 BER.—For purposes of subparagraph (A), an
12 eligible retired or former member is a member
13 or former member of the uniformed services
14 who, on the day before the first day of the open
15 enrollment period, discontinued participation in
16 the Survivor Benefit Plan under section
17 1452(g) of title 10, United States Code, and—

18 (i) is entitled to retired pay; or

19 (ii) would be entitled to retired pay
20 under chapter of title 10, United States
21 Code (or chapter 67 of such title as in ef-
22 fect before October 5, 1994), but for the
23 fact that such member or former member
24 is under 60 years of age.

1 (C) STATUS UNDER SBP OF PERSONS MAK-
2 ING ELECTIONS.—

3 (i) STANDARD ANNUITY.—A person
4 making an election under subparagraph
5 (A) by reason of eligibility under subpara-
6 graph (B)(i) shall be treated for all pur-
7 poses as providing a standard annuity
8 under the Survivor Benefit Plan.

9 (ii) RESERVE-COMPONENT ANNU-
10 ITY.—A person making an election under
11 subparagraph (A) by reason of eligibility
12 under subparagraph (B)(ii) shall be treat-
13 ed for all purposes as providing a reserve-
14 component annuity under the Survivor
15 Benefit Plan.

16 (2) MANNER OF MAKING ELECTIONS.—

17 (A) IN GENERAL.—An election under this
18 subsection must be made in writing, signed by
19 the person making the election, and received by
20 the Secretary concerned before the end of the
21 open enrollment period. Except as provided in
22 subparagraph (B), any such election shall be
23 made subject to the same conditions, and with
24 the same opportunities for designation of bene-
25 ficiaries and specification of base amount, that

1 apply under the Survivor Benefit Plan. A per-
2 son making an election under paragraph (1) to
3 provide a reserve-component annuity shall make
4 a designation described in section 1448(e) of
5 title 10, United States Code.

6 (B) ELECTION MUST BE VOLUNTARY.—An
7 election under this subsection is not effective
8 unless the person making the election declares
9 the election to be voluntary. An election to par-
10 ticipate in the Survivor Benefit Plan under this
11 subsection may not be required by any court.
12 An election to participate or not to participate
13 in the Survivor Benefit Plan is not subject to
14 the concurrence of a spouse or former spouse of
15 the person.

16 (3) EFFECTIVE DATE FOR ELECTIONS.—Any
17 such election shall be effective as of the first day of
18 the first calendar month following the month in
19 which the election is received by the Secretary con-
20 cerned.

21 (4) OPEN ENROLLMENT PERIOD DEFINED.—
22 The open enrollment period is the period beginning
23 on the date of the enactment of this Act and ending
24 on January 1, 2023.

1 (5) APPLICABILITY OF CERTAIN PROVISIONS OF
2 LAW.—The provisions of sections 1449, 1453, and
3 1454 of title 10, United States Code, are applicable
4 to a person making an election, and to an election,
5 under this subsection in the same manner as if the
6 election were made under the Survivor Benefit Plan.

7 (6) PREMIUMS FOR OPEN ENROLLMENT ELEC-
8 TION.—

9 (A) PREMIUMS TO BE CHARGED.—The
10 Secretary of Defense shall prescribe in regula-
11 tions premiums which a person electing under
12 this subsection shall be required to pay for par-
13 ticipating in the Survivor Benefit Plan pursuant
14 to the election. The total amount of the pre-
15 miums to be paid by a person under the regula-
16 tions shall be equal to the sum of—

17 (i) the total amount by which the re-
18 tired pay of the person would have been re-
19 duced before the effective date of the elec-
20 tion if the person had elected to participate
21 in the Survivor Benefit Plan (for the same
22 base amount specified in the election) at
23 the first opportunity that was afforded the
24 member to participate under chapter 73 of
25 title 10, United States Code;

1 (ii) interest on the amounts by which
2 the retired pay of the person would have
3 been so reduced, computed from the dates
4 on which the retired pay would have been
5 so reduced at such rate or rates and ac-
6 cording to such methodology as the Sec-
7 retary of Defense determines reasonable;
8 and

9 (iii) any additional amount that the
10 Secretary determines necessary to protect
11 the actuarial soundness of the Department
12 of Defense Military Retirement Fund
13 against any increased risk for the fund
14 that is associated with the election.

15 (B) PREMIUMS TO BE CREDITED TO RE-
16 TIREMENT FUND.—Premiums paid under the
17 regulations shall be credited to the Department
18 of Defense Military Retirement Fund.

19 (7) DEFINITIONS.—In this subsection:

20 (A) The term “Survivor Benefit Plan”
21 means the program established under sub-
22 chapter II of chapter 73 of title 10, United
23 States Code.

1 (B) The term “retired pay” includes re-
2 tainer pay paid under section 8330 of title 10,
3 United States Code.

4 (C) The terms “uniformed services” and
5 “Secretary concerned” have the meanings given
6 those terms in section 101 of title 37, United
7 States Code.

8 (D) The term “Department of Defense
9 Military Retirement Fund” means the Depart-
10 ment of Defense Military Retirement Fund es-
11 tablished under section 1461(a) of title 10,
12 United States Code.

13 **SEC. 704. MODIFICATIONS TO PILOT PROGRAM ON HEALTH**
14 **CARE ASSISTANCE SYSTEM.**

15 Section 731(d) of the National Defense Authorization
16 Act for Fiscal Year 2018 (10 U.S.C. 1075 note) is amend-
17 ed—

18 (1) in the matter preceding paragraph (1), by
19 striking “January 1, 2021” and inserting “Novem-
20 ber 1, 2022”;

21 (2) in paragraph (1), by striking “; and” and
22 inserting a semicolon;

23 (3) in paragraph (2), by striking the period and
24 inserting “; and”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(3) input from covered beneficiaries who have
4 participated in the pilot program regarding their
5 satisfaction with, and any benefits attained from,
6 such participation.”.

7 **SEC. 705. TEMPORARY REQUIREMENT FOR CONTRACEP-**
8 **TION COVERAGE PARITY UNDER THE**
9 **TRICARE PROGRAM.**

10 (a) IN GENERAL.—The Secretary of Defense shall
11 ensure that, during the one-year period beginning on the
12 date that is 30 days after the date of the enactment of
13 the Act, the imposition or collection of cost-sharing for
14 certain services is prohibited as follows:

15 (1) PHARMACY BENEFITS PROGRAM.—Notwith-
16 standing subparagraphs (A), (B), and (C), of section
17 1074g(a)(6) of title 10, United States Code, cost-
18 sharing may not be imposed or collected with respect
19 to any eligible covered beneficiary for any prescrip-
20 tion contraceptive on the uniform formulary pro-
21 vided through a retail pharmacy described in section
22 1074(a)(2)(E)(ii) of such title or through the na-
23 tional mail-order pharmacy program of the
24 TRICARE Program.

1 (2) TRICARE SELECT.—Notwithstanding any
2 provision under section 1075 of title 10, United
3 States Code, cost-sharing may not be imposed or
4 collected with respect to any beneficiary under such
5 section for a covered service that is provided by a
6 network provider under the TRICARE program.

7 (3) TRICARE PRIME.—Notwithstanding sub-
8 sections (a), (b), and (c) of section 1075a of title 10,
9 United States Code, cost-sharing may not be im-
10 posed or collected with respect to any beneficiary
11 under such section for a covered service that is pro-
12 vided under TRICARE Prime.

13 (b) DEFINITIONS.—In this section:

14 (1) The term “covered service” means any
15 method of contraception approved by the Food and
16 Drug Administration, any contraceptive care (includ-
17 ing with respect to insertion, removal, and follow
18 up), any sterilization procedure, or any patient edu-
19 cation or counseling service provided in connection
20 with any such method, care, or procedure.

21 (2) The term “eligible covered beneficiary” has
22 the meaning given such term in section 1074g of
23 title 10, United States Code.

24 (3) The terms “TRICARE Program” and
25 “TRICARE Prime” have the meaning given such

1 terms in section 1072 of title 10, United States
2 Code.

3 **SEC. 706. AVAILABILITY OF CERTAIN PRECONCEPTION AND**
4 **PRENATAL CARRIER SCREENING TESTS**
5 **UNDER THE TRICARE PROGRAM.**

6 (a) TESTS AVAILABLE.—Section 1079(a) of title 10,
7 United States Code, is amended by adding at the end the
8 following new paragraph:

9 “(18) Preconception and prenatal carrier
10 screening tests shall be provided to covered bene-
11 ficiaries upon the request of the beneficiary, with a
12 limit per beneficiary of one test per condition per
13 lifetime, for the following conditions:

14 “(A) Cystic Fibrosis.

15 “(B) Spinal Muscular Atrophy.

16 “(C) Fragile X Syndrome.

17 “(D) Tay-Sachs Disease.

18 “(E) Hemoglobinopathies.

19 “(F) Conditions linked with Ashkenazi
20 Jewish descent.”.

21 (b) REPORT.—

22 (1) IN GENERAL.—Not later than one year
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall provide to the congressional
25 defense committees a report identifying the number

1 of beneficiaries under the TRICARE program who
2 have received a screening test under section
3 1079(a)(18) of title 10, United States Code, as
4 added by subsection (a), disaggregated by type of
5 beneficiary and whether the test was provided under
6 the direct care or purchased care component of the
7 TRICARE program.

8 (2) TRICARE PROGRAM DEFINED.—In this
9 subsection, the term “TRICARE program” has the
10 meaning given such term in section 1072 of title 10,
11 United States Code.

12 **Subtitle B—Health Care**

13 **Administration**

14 **SEC. 711. MODIFICATION OF CERTAIN DEFENSE HEALTH** 15 **AGENCY ORGANIZATION REQUIREMENTS.**

16 Section 1073c(c)(5) of title 10, United States Code,
17 is amended by striking “paragraphs (1) through (4)” and
18 inserting “paragraph (3) or (4)”.

19 **SEC. 712. REQUIREMENT FOR CONSULTATIONS RELATED** 20 **TO MILITARY MEDICAL RESEARCH AND DE-** 21 **FENSE HEALTH AGENCY RESEARCH AND DE-** 22 **VELOPMENT.**

23 (a) CONSULTATIONS REQUIRED.—Section 1073c of
24 title 10, United States Code, is amended—

1 (1) by redesignating subsections (f) and (g) as
2 subsections (g) and (h); and

3 (2) by inserting after subsection (e) the fol-
4 lowing new subsection:

5 “(f) CONSULTATIONS ON MEDICAL RESEARCH OF
6 MILITARY DEPARTMENTS.—In implementing subsection
7 (e)(1) (and on an ongoing basis after the establishment
8 of the Defense Health Agency Research and Development
9 pursuant to such subsection), the Secretary of Defense,
10 acting through the Secretaries of the military depart-
11 ments, shall ensure that periodic consultations are carried
12 out within each military department regarding the plans
13 and requirements for military medical research organiza-
14 tions and activities of the military department.”.

15 (b) REQUIREMENTS FOR INITIAL CONSULTATIONS.—
16 The Secretary of Defense shall ensure that initial con-
17 sultations under section 1073c(f) of title 10, United States
18 Code (as added by subsection (a)), are carried out prior
19 to the establishment of the Defense Health Agency Re-
20 search and Development and address—

21 (1) the plans of each military department to en-
22 sure a comprehensive transition of any military med-
23 ical research organizations of the military depart-
24 ment with respect to the establishment of the De-

1 fense Health Agency Research and Development;
2 and

3 (2) any risks involved in such transition that
4 may compromise ongoing medical research and de-
5 velopment activities of the military department.

6 **SEC. 713. AUTHORIZATION OF PROGRAM TO PREVENT**
7 **FRAUD AND ABUSE IN THE MILITARY**
8 **HEALTH SYSTEM.**

9 (a) IN GENERAL.—Chapter 55 of title 10, United
10 States Code, is amended by inserting after section 1073e
11 the following new section:

12 **“§ 1073f. Health care fraud and abuse prevention pro-**
13 **gram**

14 “(a) PROGRAM AUTHORIZED.—(1) The Secretary of
15 Defense may carry out a program under this section to
16 prevent and remedy fraud and abuse in the health care
17 programs of the Department of Defense.

18 “(2) At the discretion of the Secretary, such program
19 may be administered jointly by the Inspector General of
20 the Department of Defense and the Director of the De-
21 fense Health Agency.

22 “(3) In carrying out such program, the authorities
23 granted to the Secretary of Defense and the Inspector
24 General of the Department of Defense under section
25 1128A(m) of the Social Security Act (42 U.S.C. 1320a–

1 7a(m)) shall be available to the Secretary and the Inspec-
2 tor General.

3 “(b) CIVIL MONETARY PENALTIES.—(1) Except as
4 provided in paragraph (2), the provisions of section 1128A
5 of the Social Security Act (42 U.S.C. 1320a–7a) shall
6 apply with respect to any civil monetary penalty imposed
7 in carrying out the program authorized under subsection
8 (a).

9 “(2) Consistent with section 1079a of this title,
10 amounts recovered in connection with any such civil mone-
11 tary penalty imposed—

12 “(A) shall be credited to appropriations avail-
13 able as of the time of the collection for expenses of
14 the health care program of the Department of De-
15 fense affected by the fraud and abuse for which such
16 penalty was imposed; and

17 “(B) may be used to support the administration
18 of the program authorized under subsection (a), in-
19 cluding to support any interagency agreements en-
20 tered into under subsection (d).

21 “(c) INTERAGENCY AGREEMENTS.—The Secretary of
22 Defense may enter into agreements with the Secretary of
23 Health and Human Services, the Attorney General, or the
24 heads of other Federal agencies, for the effective and effi-

1 cient implementation of the program authorized under
2 subsection (a).

3 “(d) **RULE OF CONSTRUCTION.**—Joint administra-
4 tion of the program authorized under subsection (a) may
5 not be construed as limiting the authority of the Inspector
6 General of the Department of Defense under any other
7 provision of law.

8 “(e) **FRAUD AND ABUSE DEFINED.**—In this section,
9 the term ‘fraud and abuse’ means any conduct specified
10 in subsection (a) or (b) of section 1128A of the Social
11 Security Act (42 U.S.C. 1320a–7a).”

12 (b) **CLERICAL AMENDMENT.**—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 1073e the following new
15 item:

“1073f. Health care fraud and abuse prevention program.”

16 **SEC. 714. MANDATORY REFERRAL FOR MENTAL HEALTH**
17 **EVALUATION.**

18 Section 1090a of title 10, United States Code, is
19 amended—

20 (1) by redesignating subsection (e) as sub-
21 section (f); and

22 (2) by inserting after subsection (d) the fol-
23 lowing new subsection:

24 “(e) **PROCESS APPLICABLE TO MEMBER DISCLO-**
25 **SURE.**—The regulations required by subsection (a) shall—

1 “(1) establish a phrase that enables a member
2 of the armed forces to trigger a referral of the mem-
3 ber by a commanding officer or supervisor for a
4 mental health evaluation;

5 “(2) require a commanding officer or supervisor
6 to make such referral as soon as practicable fol-
7 lowing disclosure by the member to the commanding
8 officer or supervisor of the phrase established under
9 paragraph (1); and

10 “(3) ensure that the process protects the con-
11 fidentiality of the member in a manner similar to
12 the confidentiality provided for members making re-
13 stricted reports under section 1565b(b) of this
14 title.”.

15 **SEC. 715. INCLUSION OF EXPOSURE TO PERFLUOROALKYL**
16 **AND POLYFLUOROALKYL SUBSTANCES AS**
17 **COMPONENT OF PERIODIC HEALTH ASSESS-**
18 **MENTS.**

19 (a) PERIODIC HEALTH ASSESSMENT.—Each Sec-
20 retary concerned shall ensure that any periodic health as-
21 sessment provided to a member of the Armed Forces in-
22 cludes an evaluation of whether the member has been—

23 (1) based or stationed at a military installation
24 identified by the Secretary concerned as a location
25 with a known or suspected release of perfluoroalkyl

1 substances or polyfluoroalkyl substances during the
2 period in which the member was based or stationed
3 at the military installation; or

4 (2) exposed to such substances, including by
5 evaluating any information in the health record of
6 the member.

7 (b) SEPARATION HISTORY AND PHYSICAL EXAMINA-
8 TIONS.—Section 1145 of title 10, United States Code, is
9 amended—

10 (1) in subsection (a)(5), by adding at the end
11 the following new subparagraph:

12 “(D) The Secretary concerned shall ensure that each
13 physical examination of a member under subparagraph
14 (A) includes an assessment of whether the member was—

15 “(i) based or stationed at a military installation
16 identified by the Secretary concerned as a location
17 with a known or suspected release of perfluoroalkyl
18 substances or polyfluoroalkyl substances during the
19 period in which the member was based or stationed
20 at the military installation; or

21 “(ii) exposed to such substances, including by
22 assessing any information in the health record of the
23 member.”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(g) SECRETARY CONCERNED DEFINED.—In this
2 section, the term ‘Secretary concerned’ has the meaning
3 given such term in section 101 of this title (and otherwise
4 includes the Secretary of the department in which the
5 Coast Guard is operating).”.

6 (c) DEPLOYMENT ASSESSMENTS.—Section 1074f of
7 title 10, United States Code, is amended—

8 (1) in subsection (b)(2), by adding at the end
9 the following new subparagraph:

10 “(E) An assessment of whether the member
11 was—

12 “(i) based or stationed at a military instal-
13 lation identified by the Secretary concerned as
14 a location with a known or suspected release of
15 perfluoroalkyl substances or polyfluoroalkyl sub-
16 stances during the period in which the member
17 was based or stationed at the military installa-
18 tion; or

19 “(ii) exposed to such substances, including
20 by assessing any information in the health
21 record of the member.”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(h) SECRETARY CONCERNED DEFINED.—In this
25 section, the term ‘Secretary concerned’ has the meaning

1 given such term in section 101 of this title (and otherwise
2 includes the Secretary of the department in which the
3 Coast Guard is operating).”.

4 (d) PROVISION OF BLOOD TESTING TO DETERMINE
5 EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR
6 POLYFLUOROALKYL SUBSTANCES.—

7 (1) PROVISION OF BLOOD TESTING.—

8 (A) IN GENERAL.—If a covered evaluation
9 of a member of the Armed Forces results in a
10 positive determination of potential exposure to
11 perfluoroalkyl substances or polyfluoroalkyl sub-
12 stances, the Secretary concerned shall provide
13 to that member, during the covered evaluation,
14 blood testing to determine and document poten-
15 tial exposure to such substances.

16 (B) INCLUSION IN HEALTH RECORD.—The
17 results of blood testing of a member of the
18 Armed Forces conducted under subparagraph
19 (A) shall be included in the health record of the
20 member.

21 (2) DEFINITIONS.—In this section:

22 (A) The term “covered evaluation”
23 means—

24 (i) a periodic health assessment con-
25 ducted in accordance with subsection (a);

1 (ii) a separation history and physical
2 examination conducted under section
3 1145(a)(5) of title 10, United States Code,
4 as amended by subsection (b); or

5 (iii) a deployment assessment con-
6 ducted under section 1074f(b)(2) of such
7 title, as amended by subsection (c).

8 (B) The term “Secretary concerned” has
9 the meaning given such term in section 101 of
10 title 10, United States Code (and otherwise in-
11 cludes the Secretary of the department in which
12 the Coast Guard is operating).

13 **SEC. 716. PROHIBITION ON ADVERSE PERSONNEL ACTIONS**
14 **TAKEN AGAINST CERTAIN MEMBERS OF THE**
15 **ARMED FORCES BASED ON DECLINING**
16 **COVID-19 VACCINE.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) The Secretary of Defense has announced a
19 COVID-19 vaccine mandate will take effect for the
20 Department of Defense

21 (2) Many Americans have reservations about
22 taking a vaccine that has only been available for less
23 than a year.

1 (3) Reports of adverse actions being taken, or
2 threatened, by military leadership at all levels are
3 antithetical to our fundamental American values.

4 (4) Any discharge other than honorable denotes
5 a dereliction of duty or a failure to serve the United
6 States and its people to the best of the ability of an
7 individual.

8 (b) PROHIBITION.—Chapter 55 of title 10, United
9 States Code, is amended by inserting after section 1107a
10 the following new section:

11 **“§ 1107b. Prohibition on certain adverse personnel**
12 **actions related to COVID–19 vaccine re-**
13 **quirement**

14 “(a) PROHIBITION.—Notwithstanding any other pro-
15 vision of law, a member of an Armed Force under the ju-
16 risdiction of the Secretary of a military department sub-
17 ject to discharge on the basis of the member choosing not
18 to receive the COVID–19 vaccine may only receive an hon-
19 orable discharge.

20 “(b) MEMBER OF AN ARMED FORCE DEFINED.—In
21 this section, the term ‘member of an Armed Force’ means
22 a member of the Army, Navy, Air Force, Marine Corps,
23 or the Space Force.”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 for such chapter is amended by inserting after the item
3 relating to section 1107a the following new item:

“1107b. Prohibition on certain adverse personnel actions related to COVID–19
vaccine requirement”.

4 **SEC. 717. ESTABLISHMENT OF DEPARTMENT OF DEFENSE**
5 **SYSTEM TO TRACK AND RECORD INFORMA-**
6 **TION ON VACCINE ADMINISTRATION.**

7 (a) ESTABLISHMENT OF SYSTEM.—Section 1110 of
8 title 10, United States Code, is amended—

9 (1) by redesignating subsections (a) and (b) as
10 subsections (b) and (c), respectively; and

11 (2) by inserting after the heading the following
12 new subsection:

13 “(a) SYSTEM TO TRACK AND RECORD VACCINE IN-
14 FORMATION.—(1) The Secretary of Defense, in coordina-
15 tion with the Secretaries of the military departments, shall
16 establish a system to track and record the following infor-
17 mation:

18 “(A) Each vaccine administered by a health
19 care provider of the Department of Defense to a
20 member of an armed force under the jurisdiction of
21 the Secretary of a military department.

22 “(B) Any adverse reaction of the member re-
23 lated to such vaccine.

1 “(C) Each refusal of a vaccine by such a mem-
2 ber on the basis that the vaccine is being adminis-
3 tered by a health care provider of the Department
4 pursuant to an emergency use authorization granted
5 by the Commissioner of Food and Drugs under sec-
6 tion 564 of the Federal Food, Drug, and Cosmetic
7 Act (21 U.S.C. 360bbb-3).

8 “(2) In carrying out paragraph (1), the Secretary of
9 Defense shall ensure that—

10 “(A) any electronic health record maintained by
11 the Secretary for a member of an armed force under
12 the jurisdiction of the Secretary of a military depart-
13 ment is updated with the information specified in
14 such paragraph with respect to the member; and

15 “(B) any collection, storage, or use of such in-
16 formation is conducted through means involving
17 such cyber protections as the Secretary determines
18 necessary to safeguard the personal information of
19 the member.”.

20 (b) CONFORMING AMENDMENTS.—Such section is
21 further amended—

22 (1) in the heading by striking “**Anthrax vac-**
23 **cine immunization program; procedures**
24 **for exemptions and monitoring reac-**
25 **tions**” and inserting “**System for tracking**

1 **and recording vaccine information; an-**
2 **thrax vaccine immunization program”;**
3 and

4 (2) in subsection (b), as redesignated by sub-
5 section (a)(1), by striking “Secretary of Defense”
6 and inserting “Secretary”.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 for chapter 55 of title 10, United States Code, is amended
9 by striking the item relating to section 1110 and inserting
10 the following new item:

 “1110. System for tracking and recording vaccine information; anthrax vaccine
 immunization program.”.

11 (d) DEADLINE FOR ESTABLISHMENT OF SYSTEM.—
12 The Secretary of Defense shall establish the system under
13 section 1110 of title 10, United States Code. as added by
14 subsection (a), by not later than January 1, 2023.

15 (e) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall submit to the Committees on Armed Services of the
18 House of Representatives and the Senate a report on the
19 administration of vaccines to members of the Armed
20 Forces under the jurisdiction of the Secretary of a military
21 department and on the status of establishing the system
22 under section 1110(a) of title 10, United States Code (as
23 added by subsection (a)). Such report shall include infor-
24 mation on the following:

1 (1) The process by which such members receive
2 vaccines, and the process by which the Secretary
3 tracks, records, and reports on, vaccines received by
4 such members (including with respect to any trans-
5 fers by a non-Department provider to the Depart-
6 ment of vaccination records or other medical infor-
7 mation of the member related to the administration
8 of vaccines by the non-Department provider).

9 (2) The storage of information related to the
10 administration of vaccines in the electronic health
11 records of such members, and the cyber protections
12 involved in such storage, as required under such sec-
13 tion 1110(a)(2) of title 10, United States Code.

14 (3) The general process by which medical infor-
15 mation of beneficiaries under the TRICARE pro-
16 gram is collected, tracked, and recorded, including
17 the process by which medical information from pro-
18 viders contracted by the Department or from a State
19 or local department of health is transferred to the
20 Department and associated with records maintained
21 by the Secretary.

22 (4) Any gaps or challenges relating to the vac-
23 cine administration process of the Department and
24 any legislative or budgetary recommendations to ad-
25 dress such gaps or challenges.

1 (f) DEFINITIONS.—In this section:

2 (1) The term “military departments” has the
3 meaning given such term in section 101 of title 10,
4 United States Code.

5 (2) The term “TRICARE program” has the
6 meaning given such term in section 1072 of such
7 title.

8 **SEC. 718. AUTHORIZATION OF PROVISION OF INSTRUCTION**
9 **AT UNIFORMED SERVICES UNIVERSITY OF**
10 **THE HEALTH SCIENCES TO CERTAIN FED-**
11 **ERAL EMPLOYEES.**

12 Section 2114(h) of title 10, United States Code, is
13 amended—

14 (1) by striking “The Secretary of Defense” and
15 inserting “(1) The Secretary of Defense, in coordi-
16 nation with the Secretary of Health and Human
17 Services and the Secretary of Veterans Affairs,”;
18 and

19 (2) by adding at the end the following new
20 paragraph:

21 “(2)(A) A covered employee whose employment or
22 service with the Department of Veterans Affairs, Public
23 Health Service, or Coast Guard (as applicable) is in a posi-
24 tion relevant to national security or health sciences may

1 receive instruction at the University within the scope of
2 such employment or service.

3 “(B) If a covered employee receives instruction at the
4 University pursuant to subparagraph (A), the head of the
5 Federal agency concerned shall reimburse the University
6 for the cost of providing such instruction to the covered
7 employee. Amounts received by the University under this
8 subparagraph shall be retained by the University to defray
9 the costs of such instruction.

10 “(C) Notwithstanding subsections (b) through (e)
11 and subsection (i), the head of the Federal agency con-
12 cerned shall determine the service obligations of the cov-
13 ered employee receiving instruction at the University pur-
14 suant to subparagraph (A) in accordance with applicable
15 law.

16 “(D) In this paragraph—

17 “(i) the term ‘covered employee’ means an em-
18 ployee of the Department of Veterans Affairs, a ci-
19 vilian employee of the Public Health Service, a mem-
20 ber of the commissioned corps of the Public Health
21 Service, a member of the Coast Guard, or a civilian
22 employee of the Coast Guard; and

23 “(ii) the term ‘head of the Federal agency con-
24 cerned’ means the head of the Federal agency that
25 employs, or has jurisdiction over the uniformed serv-

1 ice of, a covered employee permitted to receive in-
2 struction at the University under subparagraph (A)
3 in the relevant position described in such subpara-
4 graph.”.

5 **SEC. 719. MANDATORY TRAINING ON HEALTH EFFECTS OF**
6 **BURN PITS.**

7 The Secretary of Defense shall provide to each med-
8 ical provider of the Department of Defense mandatory
9 training with respect to the potential health effects of burn
10 pits.

11 **SEC. 720. DEPARTMENT OF DEFENSE PROCEDURES FOR**
12 **EXEMPTIONS FROM MANDATORY COVID-19**
13 **VACCINES.**

14 (a) EXEMPTIONS.—The Secretary of Defense shall
15 establish uniform procedures under which covered mem-
16 bers may be exempted from receiving an otherwise man-
17 dated COVID-19 vaccine for administrative, medical, or
18 religious reasons, including on the basis of possessing an
19 antibody test result demonstrating previous COVID-19
20 infection.

21 (b) DEFINITIONS.—In this section:

22 (1) The term “covered member” means a mem-
23 ber of an Armed Force under the jurisdiction of the
24 Secretary of a military department.

1 (2) The term “COVID–19 vaccine” means any
2 vaccine for the coronavirus disease 2019 (COVID–
3 19), including any subsequent booster shot for
4 COVID–19.

5 **SEC. 721. MODIFICATIONS AND REPORT RELATED TO RE-**
6 **DUCTION OR REALIGNMENT OF MILITARY**
7 **MEDICAL MANNING AND MEDICAL BILLETS.**

8 (a) MODIFICATIONS TO LIMITATION ON REDUCTION
9 OR REALIGNMENT.—Section 719 of the National Defense
10 Authorization Act for Fiscal Year 2020 (Public Law 116–
11 92; 133 Stat. 1454), as amended by section 717 of the
12 William M. (Mac) Thornberry National Defense Author-
13 ization Act for Fiscal Year 2021 (Public Law 116–283),
14 is further amended—

15 (1) in subsection (a), by striking “180 days fol-
16 lowing the date of the enactment of the William M.
17 (Mac) Thornberry National Defense Authorization
18 Act for Fiscal Year 2021” and inserting “the year
19 following the date of the enactment of the National
20 Defense Authorization Act for Fiscal Year 2022”;
21 and

22 (2) in subsection (b)(1), by inserting “, includ-
23 ing any billet validation requirements determined
24 pursuant to estimates provided in the joint medical
25 estimate under section 732 of the John S. McCain

1 National Defense Authorization Act for Fiscal Year
2 2019 (Public Law 115–232),” after “requirements
3 of the military department of the Secretary”.

4 (b) GAO REPORT ON REDUCTION OR REALIGNMENT
5 OF MILITARY MEDICAL MANNING AND MEDICAL BIL-
6 LETS.—

7 (1) REPORT.—Not later than one year after the
8 date of the enactment of this Act, the Comptroller
9 General of the United States shall submit to the
10 Committees on Armed Services of the House of Rep-
11 resentatives and the Senate a report on the analyses
12 used to support any reduction or realignment of
13 military medical manning, including any reduction
14 or realignment of medical billets of the military de-
15 partments.

16 (2) ELEMENTS.—The report under paragraph
17 (1) shall include the following:

18 (A) An analysis of the use of the joint
19 medical estimate under section 732 of the John
20 S. McCain National Defense Authorization Act
21 for Fiscal Year 2019 (Public Law 115–232;
22 132 Stat. 1817) and wartime scenarios to de-
23 termine military medical manpower require-
24 ments, including with respect to pandemic influ-
25 enza and homeland defense missions.

1 (B) An assessment of whether the Secre-
2 taries of the military departments have used the
3 processes under section 719(b) of the National
4 Defense Authorization Act for Fiscal Year 2020
5 (Public Law 116–92; 133 Stat. 1454) to ensure
6 that a sufficient combination of skills, special-
7 ties, and occupations are validated and filled
8 prior to the transfer of any medical billets of a
9 military department to fill other military med-
10 ical manpower needs.

11 (C) An assessment of the effect of the re-
12 duction or realignment of such billets on local
13 health care networks and whether the Director
14 of the Defense Health Agency has conducted
15 such an assessment in coordination with the
16 Secretaries of the military departments.

17 **SEC. 722. CROSS-FUNCTIONAL TEAM FOR EMERGING**
18 **THREAT RELATING TO ANOMALOUS HEALTH**
19 **INCIDENTS.**

20 (a) ESTABLISHMENT.—Using the authority provided
21 under section 911(c) of the National Defense Authoriza-
22 tion Act for Fiscal Year 2017 (Public Law 114–328; 10
23 U.S.C. 111 note), the Secretary of Defense shall establish
24 a cross-functional team to address national security chal-
25 lenges posed by anomalous health incidents (as defined by

1 the Secretary) and ensure that individuals affected by
2 anomalous health incidents receive timely and comprehen-
3 sive health care and treatment pursuant to title 10, United
4 States Code, or other provisions of law administered by
5 the Secretary, for symptoms consistent with an anomalous
6 health incident.

7 (b) DUTIES.—The duties of the cross-functional team
8 established under subsection (a) shall be—

9 (1) to assist the Secretary of Defense with ad-
10 dressing the challenges posed by anomalous health
11 incidents and any other efforts regarding such inci-
12 dents that the Secretary determines necessary; and

13 (2) to integrate the efforts of the Department
14 of Defense regarding anomalous health incidents
15 with the efforts of other departments or agency of
16 the Federal Government regarding such incidents.

17 (c) TEAM LEADER.—The Secretary shall select an
18 Under Secretary of Defense to lead the cross-functional
19 team and a senior military officer to serve as the deputy
20 to the Under Secretary so selected.

21 (d) DETERMINATION OF ORGANIZATIONAL ROLES
22 AND RESPONSIBILITIES.—The Secretary, in coordination
23 with the Director of National Intelligence and acting
24 through the cross-functional team established under sub-
25 section (a), shall determine the roles and responsibilities

1 of the organizations and elements of the Department of
2 Defense with respect to addressing anomalous health inci-
3 dents, including the roles and responsibilities of the Office
4 of the Secretary of Defense, the intelligence components
5 of the Department, Defense agencies, and Department of
6 Defense field activities, the military departments, combat-
7 ant commands, and the Joint Staff.

8 (e) BRIEFINGS.—

9 (1) INITIAL BRIEFING.—Not later than 30 days
10 after the date of the enactment of this Act, the Sec-
11 retary shall provide to the appropriate congressional
12 committees a briefing on—

13 (A) the progress of the Secretary in estab-
14 lishing the cross-functional team; and

15 (B) the progress the team has made in—

16 (i) determining the roles and respon-
17 sibilities of the organizations and elements
18 of the Department of Defense with respect
19 the cross-functional team; and

20 (ii) carrying out the duties under sub-
21 section (b).

22 (2) UPDATES.—Not later than 75 days after
23 the date of the enactment of this Act, and once
24 every 45 days thereafter during the one-year period
25 following such date of enactment, the Secretary shall

1 provide to the appropriate congressional committees
2 a briefing containing updates with respect to the ef-
3 forts of the Department regarding anomalous health
4 incidents.

5 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
6 FINED.—In this section, the term “appropriate congres-
7 sional committees” means—

- 8 (1) the congressional defense committees; and
- 9 (2) the Permanent Select Committee on Intel-
10 ligence of the House of Representatives and the Se-
11 lect Committee on Intelligence of the Senate.

12 **SEC. 723. IMPLEMENTATION OF INTEGRATED PRODUCT**
13 **FOR MANAGEMENT OF POPULATION HEALTH**
14 **ACROSS MILITARY HEALTH SYSTEM.**

15 (a) INTEGRATED PRODUCT.—The Secretary of De-
16 fense shall develop and implement an integrated product
17 for the management of population health across the mili-
18 tary health system. Such integrated product shall serve
19 as a repository for the health care, demographic, and other
20 relevant data of all covered beneficiaries, including with
21 respect to data on health care services furnished to such
22 beneficiaries through the purchased care and direct care
23 components of the TRICARE program, and shall—

1 (1) be compatible with the electronic health
2 record system maintained by the Secretary for mem-
3 bers of the Armed Forces;

4 (2) enable the coordinated case management of
5 covered beneficiaries with respect to health care
6 services furnished to such beneficiaries at military
7 medical treatment facilities and at private sector fa-
8 cilities through health care providers contracted by
9 the Department of Defense;

10 (3) enable the collection and stratification of
11 data from multiple sources to measure population
12 health goals, facilitate disease management pro-
13 grams of the Department, improve patient edu-
14 cation, and integrate wellness services across the
15 military health system; and

16 (4) enable predictive modeling to improve
17 health outcomes for patients and to facilitate the
18 identification and correction of medical errors in the
19 treatment of patients, issues regarding the quality of
20 health care services provided, and gaps in health
21 care coverage.

22 (b) DEFINITIONS.—In this section:

23 (1) The terms “covered beneficiary” and
24 “TRICARE program” have the meanings given such

1 terms in section 1072 of title 10, United States
2 Code.

3 (2) The term “integrated product” means an
4 electronic system of systems (or solutions or prod-
5 ucts) that provides for the integration and sharing
6 of data to meet the needs of an end user in a timely
7 and cost effective manner.

8 **SEC. 724. DIGITAL HEALTH STRATEGY OF DEPARTMENT OF**
9 **DEFENSE.**

10 (a) DIGITAL HEALTH STRATEGY.—

11 (1) STRATEGY.—Not later than April 1, 2022,
12 the Secretary of Defense shall develop a digital
13 health strategy of the Department of Defense to in-
14 corporate new and emerging technologies and meth-
15 ods (including three-dimensional printing, virtual re-
16 ality, wearable devices, big data and predictive ana-
17 lytics, distributed ledger technologies, and other in-
18 novative methods that leverage new or emerging
19 technologies) in the provision of clinical care within
20 the military health system.

21 (2) ELEMENTS.—The strategy under paragraph
22 (1) shall address, with respect to future use within
23 the military health system, the following:

24 (A) Emerging technology to improve the
25 delivery of clinical care and health services.

1 (B) Design thinking to improve the deliv-
2 ery of clinical care and health services.

3 (C) Advanced clinical decision support sys-
4 tems.

5 (D) Simulation technologies for clinical
6 training (including through simulation
7 immersive training) and clinical education, and
8 for the training of health care personnel in the
9 adoption of emerging technologies for clinical
10 care delivery.

11 (E) Wearable devices.

12 (F) Three-dimensional printing and related
13 technologies.

14 (G) Data-driven decision making, including
15 through the use of big data and predictive ana-
16 lytics, in the delivery of clinical care and health
17 services.

18 (b) REPORT.—Not later than July 1, 2022, the Sec-
19 retary shall submit to the Committees on Armed Services
20 of the House of Representatives and the Senate a report
21 setting forth—

22 (1) the strategy under subsection (a); and

23 (2) a plan to implement such strategy, includ-
24 ing the estimated timeline and cost for such imple-
25 mentation.

1 **SEC. 725. DEVELOPMENT AND UPDATE OF CERTAIN POLI-**
2 **CIES RELATING TO MILITARY HEALTH SYS-**
3 **TEM AND INTEGRATED MEDICAL OPER-**
4 **ATIONS.**

5 (a) IN GENERAL.—By not later than October 1,
6 2022, the Secretary of Defense, in coordination with the
7 Secretaries of the military departments and the Chairman
8 of the Joint Chiefs of Staff, shall develop and update cer-
9 tain policies relating to the military health system and in-
10 tegrated medical operations of the Department of Defense
11 as follows:

12 (1) UPDATED PLAN ON INTEGRATED MEDICAL
13 OPERATIONS IN CONTINENTAL UNITED STATES.—

14 The Secretary of Defense shall develop an updated
15 plan on integrated medical operations in the conti-
16 nental United States and update the Department of
17 Defense Instruction 6010.22, titled “National Dis-
18 aster Medical System (NDMS)” (or such successor
19 instruction) accordingly. Such updated plan shall—

20 (A) be informed by the operational plans of
21 the combatant commands and by the joint med-
22 ical estimate under section 732 of the John S.
23 McCain National Defense Authorization Act for
24 Fiscal Year 2019 (Public Law 115–232; 132
25 Stat. 1817);

1 (B) include a determination as to whether
2 combat casualties should receive medical care
3 under the direct care or purchased care compo-
4 nent of the military health system and a risk
5 analysis in support of such determination;

6 (C) identify the manning levels required to
7 furnish medical care under the updated plan,
8 including with respect to the levels of military
9 personnel, civilian employees of the Depart-
10 ment, and contractors of the Department; and

11 (D) include a cost estimate for the
12 furnishment of such medical care.

13 (2) UPDATED PLAN ON GLOBAL PATIENT
14 MOVEMENT.—The Secretary of Defense shall develop
15 an updated plan on global patient movement and up-
16 date the Department of Defense Instruction
17 5154.06, relating to medical military treatment fa-
18 cilities and patient movement (or such successor in-
19 struction) accordingly. Such updated plan shall—

20 (A) be informed by the operational plans of
21 the combatant commands and by the joint med-
22 ical estimate under section 732 of the John S.
23 McCain National Defense Authorization Act for
24 Fiscal Year 2019 (Public Law 115–232; 132
25 Stat. 1817);

1 (B) include a risk assessment with respect
2 to patient movement compared against overall
3 operational plans;

4 (C) include a description of any capabili-
5 ties-based assessment of the Department that
6 informed the updated plan or that was in
7 progress during the time period in which the
8 updated plan was developed; and

9 (D) identify the manning levels, equipment
10 and consumables, and funding levels, required
11 to carry out the updated plan.

12 (3) ASSESSMENT OF BIOSURVEILLANCE AND
13 MEDICAL RESEARCH CAPABILITIES.—The Secretary
14 of Defense shall conduct an assessment of biosurveil-
15 lance and medical research capabilities of the De-
16 partment of Defense. Such assessment shall include
17 the following:

18 (A) An identification of the location and
19 strategic value of the overseas medical labora-
20 tories and overseas medical research programs
21 of the Department.

22 (B) An assessment of the current capabili-
23 ties of such laboratories and programs with re-
24 spect to force health protection and evidence-
25 based medical research.

1 (C) A determination as to whether such
2 laboratories and programs have the capabilities,
3 including as a result of the geographic location
4 of such laboratories and programs, to provide
5 force health protection and evidence-based med-
6 ical research, including by actively monitoring
7 for future pandemics, infectious diseases, and
8 other potential health threats to members of the
9 Armed Forces.

10 (D) The current capabilities, with respect
11 to biosurveillance and medical research, of the
12 following entities:

13 (i) The Army Medical Research Devel-
14 opment Command.

15 (ii) The Navy Medical Research Com-
16 mand.

17 (iii) The Air Force Medical Readiness
18 Agency.

19 (iv) The Walter Reed Army Institute
20 of Research.

21 (v) The United States Army Medical
22 Research Institute of Infectious Disease.

23 (vi) The Armed Forces Health Sur-
24 veillance Branch (including the Global

1 Emerging Infectious Surveillance pro-
2 gram).

3 (vii) Such other entities as the Sec-
4 retary may determine appropriate.

5 (E) A determination as to whether the en-
6 tities specified in subparagraph (D) have the
7 capabilities, including as a result of the geo-
8 graphic location of the entity, to provide force
9 health protection and evidence-based medical
10 research, including by actively monitoring for
11 future pandemics, infectious diseases, and other
12 potential health threats to members of the
13 Armed Forces.

14 (F) The current manning levels of the enti-
15 ties specified in subparagraph (D), including an
16 assessment of whether such entities are manned
17 at a level necessary to support the missions of
18 the combatant commands (including with re-
19 spect to missions related to pandemic influenza
20 or homeland defense).

21 (G) The current funding levels of the enti-
22 ties specified in subparagraph (D), including a
23 risk assessment as to whether such funding is
24 sufficient to sustain the manning levels nec-

1 essary to support missions as specified in sub-
2 paragraph (F).

3 (4) ANALYSIS OF MILITARY HEALTH SYSTEM
4 ORGANIZATION.—The Secretary of Defense shall
5 conduct an analysis to determine whether the cur-
6 rent organizational structure of the military health
7 system allows for the implementation of the updated
8 plans under paragraphs (1) and (2) and of any rec-
9 ommendations made by the Secretary as a result of
10 the assessment under paragraph (3). Such analysis
11 shall include—

12 (A) an assessment of how the Secretary
13 may leverage TRICARE Regional Offices,
14 TRICARE managed care support contractors,
15 and local or regional health care systems, to ad-
16 dress any potential gaps in the provision of
17 medical care under the military health system
18 that may limit the progress of such implemen-
19 tation or may arise as the result of such imple-
20 mentation; and

21 (B) recommendations on any organiza-
22 tional changes to the military health system
23 that would be necessary for such implementa-
24 tion.

1 (b) INTERIM BRIEFING.—Not later than April 1,
2 2022, the Secretary of Defense, in coordination with the
3 Secretaries of the military departments and the Chairman
4 of the Joint Chiefs of Staff, shall provide to the Commit-
5 tees on Armed Services of the House of Representatives
6 and the Senate an interim briefing on the progress of im-
7 plementation of the plans, assessment, and analysis re-
8 quired under subsection (a).

9 (c) REPORT.—Not later than December 1, 2022, the
10 Secretary of Defense shall submit to the Committees on
11 Armed Services of the House of Representatives and the
12 Senate a report describing each updated plan, assessment,
13 and analysis required under subsection (a).

14 **SEC. 726. STANDARDIZATION OF DEFINITIONS USED BY**
15 **THE DEPARTMENT OF DEFENSE FOR TERMS**
16 **RELATED TO SUICIDE.**

17 (a) STANDARDIZATION OF DEFINITIONS.—Not later
18 than 90 days after the date of the enactment of this Act,
19 the Secretary of Defense, in coordination with the Secre-
20 taries of the military departments, shall develop standard-
21 ized definitions for the following terms:

- 22 (1) “Suicide”.
- 23 (2) “Suicide attempt”.
- 24 (3) “Suicidal ideation”.

1 (b) REQUIRED USE OF STANDARDIZED DEFINI-
2 TIONS.—Not later than 180 days after the date of the en-
3 actment of this Act, the Secretary shall issue policy guid-
4 ance requiring the exclusive and uniform use across the
5 Department of Defense and within each military depart-
6 ment of the standardized definitions developed under sub-
7 section (a) for the terms specified in such subsection.

8 (c) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Secretary shall submit
10 to the Committees on Armed Services of the House of
11 Representatives and the Senate a report that sets forth
12 the standardized definitions developed under subsection
13 (a) and includes—

14 (1) a description of the process that was used
15 to develop such definitions;

16 (2) a description of the methods by which data
17 shall be collected on suicide, suicide attempts, and
18 suicidal ideations (as those terms are defined pursu-
19 ant to such definitions) in a standardized format
20 across the Department and within each military de-
21 partment; and

22 (3) an implementation plan to ensure the use of
23 such definitions as required pursuant to subsection
24 (b).

1 **SEC. 727. EXEMPTION FROM REQUIRED PHYSICAL EXAM-**
2 **INATION AND MENTAL HEALTH ASSESSMENT**
3 **FOR CERTAIN MEMBERS OF THE RESERVE**
4 **COMPONENTS.**

5 Section 1145(a)(5) of title 10, United States Code
6 is amended—

7 (1) in subparagraph (A), by striking “The Sec-
8 retary” and inserting “Except as provided in sub-
9 paragraph (D), the Secretary”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(D) The requirement for a physical examina-
13 tion and mental health assessment under subpara-
14 graph (A) shall not apply with respect to a member
15 of a reserve component described in paragraph
16 (2)(B) unless the member is retiring, or being dis-
17 charged or dismissed, from the armed forces.”.

18 **Subtitle C—Reports and Other**
19 **Matters**

20 **SEC. 731. GRANT PROGRAM FOR INCREASED COOPERA-**
21 **TION ON POST-TRAUMATIC STRESS DIS-**
22 **ORDER RESEARCH BETWEEN UNITED STATES**
23 **AND ISRAEL.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the Secretary of Defense, acting through the
26 Psychological Health and Traumatic Brain Injury Re-

1 search Program, should seek to explore scientific collabo-
2 ration between American academic institutions and non-
3 profit research entities, and Israeli institutions with exper-
4 tise in researching, diagnosing, and treating post-trau-
5 matic stress disorder.

6 (b) GRANT PROGRAM.—The Secretary of Defense, in
7 coordination with the Secretary of State, shall award
8 grants to eligible entities to carry out collaborative re-
9 search between the United States and Israel with respect
10 to post-traumatic stress disorders. The Secretary of De-
11 fense shall carry out the grant program under this section
12 in accordance with the agreement titled “Agreement Be-
13 tween the Government of the United States of America
14 and the Government of Israel on the United States-Israel
15 Binational Science Foundation”, dated September 27,
16 1972.

17 (c) ELIGIBLE ENTITIES.—To be eligible to receive a
18 grant under this section, an entity shall be an academic
19 institution or a nonprofit entity located in the United
20 States.

21 (d) AWARD.—The Secretary shall award grants
22 under this section to eligible entities that—

23 (1) carry out a research project that—

24 (A) addresses a requirement in the area of
25 post-traumatic stress disorders that the Sec-

1 retary determines appropriate to research using
2 such grant; and

3 (B) is conducted by the eligible entity and
4 an entity in Israel under a joint research agree-
5 ment; and

6 (2) meet such other criteria that the Secretary
7 may establish.

8 (e) APPLICATION.—To be eligible to receive a grant
9 under this section, an eligible entity shall submit an appli-
10 cation to the Secretary at such time, in such manner, and
11 containing such commitments and information as the Sec-
12 retary may require.

13 (f) GIFT AUTHORITY.—The Secretary may accept,
14 hold, and administer, any gift of money made on the con-
15 dition that the gift be used for the purpose of the grant
16 program under this section. Such gifts of money accepted
17 under this subsection shall be deposited in the Treasury
18 in the Department of Defense General Gift Fund and shall
19 be available, subject to appropriation, without fiscal year
20 limitation.

21 (g) REPORTS.—Not later than 180 days after the
22 date on which an eligible entity completes a research
23 project using a grant under this section, the Secretary
24 shall submit to Congress a report that contains—

1 (1) a description of how the eligible entity used
2 the grant; and

3 (2) an evaluation of the level of success of the
4 research project.

5 (h) TERMINATION.—The authority to award grants
6 under this section shall terminate on the date that is seven
7 years after the date on which the first such grant is
8 awarded.

9 **SEC. 732. PILOT PROGRAM ON CARDIAC SCREENING AT**
10 **CERTAIN MILITARY SERVICE ACADEMIES.**

11 (a) PILOT PROGRAM.—The Secretary of Defense
12 shall establish a pilot program to furnish mandatory elec-
13 trocardiograms to candidates who are seeking admission
14 to a covered military service academy in connection with
15 the military accession screening process, at no cost to such
16 candidates.

17 (b) SCOPE.—The scope of the pilot program under
18 subsection (a) shall include at least 25 percent of the in-
19 coming class of candidates who are seeking admission to
20 a covered military service academy during the first fall se-
21 mester that follows the date of the enactment of this Act,
22 and the pilot program shall terminate on the date on
23 which the Secretary determines the military accession
24 screening process for such class has concluded.

1 (c) FACILITIES.—In carrying out the pilot program
2 under subsection (a), the Secretary shall furnish each
3 mandatory electrocardiogram under the pilot program in
4 a facility of the Department of Defense, to the extent
5 practicable, but may furnish such electrocardiograms in
6 a non-Department facility as determined necessary by the
7 Secretary.

8 (d) REPORT.—Not later than 180 days after the date
9 on which the pilot program under subsection (a) termi-
10 nates, the Secretary shall submit to the Committees on
11 Armed Services of the Senate and the House of Represent-
12 atives a report on the pilot program. Such report shall
13 include the following:

14 (1) The results of all electrocardiograms fur-
15 nished to candidates under the pilot program,
16 disaggregated by military service academy, race, and
17 gender.

18 (2) The rate of significant cardiac issues de-
19 tected pursuant to electrocardiograms furnished
20 under the pilot program, disaggregated by military
21 service academy, race, and gender.

22 (3) The cost of carrying out the pilot program.

23 (4) The number of candidates, if any, who were
24 disqualified from admission based solely on the re-

1 sult of an electrocardiogram furnished under the
2 pilot program.

3 (e) COVERED MILITARY SERVICE ACADEMY DE-
4 FINED.—In this section, the term “covered military serv-
5 ice academy” does not include the United States Coast
6 Guard Academy or the United States Merchant Marine
7 Academy.

8 **SEC. 733. PILOT PROGRAM ON CRYOPRESERVATION AND**
9 **STORAGE.**

10 (a) PILOT PROGRAM.—The Secretary of Defense
11 shall establish a pilot program to provide not more than
12 1,000 members of the Armed Forces serving on active
13 duty with the opportunity to cryopreserve and store their
14 gametes prior to deployment to a combat zone.

15 (b) PERIOD.—

16 (1) IN GENERAL.—The Secretary shall provide
17 for the cryopreservation and storage of gametes of
18 a participating member of the Armed Forces under
19 subsection (a), at no cost to the member, in a facil-
20 ity of the Department of Defense or at a private en-
21 tity pursuant to a contract under subsection (d)
22 until the date that is one year after the retirement,
23 separation, or release of the member from the
24 Armed Forces.

1 (2) CONTINUED CRYOPRESERVATION AND
2 STORAGE.—At the end of the one-year period speci-
3 fied in paragraph (1), the Secretary shall authorize
4 an individual whose gametes were cryopreserved and
5 stored in a facility of the Department as described
6 in that paragraph to select, including pursuant to an
7 advance medical directive or military testamentary
8 instrument completed under subsection (c), one of
9 the following options:

10 (A) To continue such cryopreservation and
11 storage in such facility with the cost of such
12 cryopreservation and storage borne by the indi-
13 vidual.

14 (B) To transfer the gametes to a private
15 cryopreservation and storage facility selected by
16 the individual.

17 (C) To authorize the Secretary to dispose
18 of the gametes of the individual not earlier than
19 the date that is 90 days after the end of the
20 one-year period specified in paragraph (1) with
21 respect to the individual.

22 (c) ADVANCE MEDICAL DIRECTIVE AND MILITARY
23 TESTAMENTARY INSTRUMENT.—A member of the Armed
24 Forces who elects to cryopreserve and store their gametes
25 under this section shall complete an advance medical di-

1 rective described in section 1044c(b) of title 10, United
2 States Code, and a military testamentary instrument de-
3 scribed in section 1044d(b) of such title, that explicitly
4 specifies the use of their cryopreserved and stored gametes
5 if such member dies or otherwise loses the capacity to con-
6 sent to the use of their cryopreserved and stored gametes.

7 (d) AGREEMENTS.—To carry out this section, the
8 Secretary may enter into agreements with private entities
9 that provide cryopreservation and storage services for
10 gametes.

11 **SEC. 734. PILOT PROGRAM ON ASSISTANCE FOR MENTAL**
12 **HEALTH APPOINTMENT SCHEDULING AT**
13 **MILITARY MEDICAL TREATMENT FACILITIES.**

14 (a) PILOT PROGRAM.—The Secretary of Defense
15 shall carry out a pilot program to provide direct assistance
16 for mental health appointment scheduling at military med-
17 ical treatment facilities and clinics selected by the Sec-
18 retary for participation in the pilot program in a number
19 determined by the Secretary.

20 (b) REPORT.—Not later than 90 days after the date
21 on which the pilot program terminates, the Secretary shall
22 submit to the Committees on Armed Services of the House
23 of Representatives and the Senate a report on the pilot
24 program. Such report shall include an assessment of—

1 (1) the effectiveness of the pilot program with
2 respect to improved access to mental health appoint-
3 ments; and

4 (2) any barriers to scheduling mental health ap-
5 pointments under the pilot program observed by
6 health care professionals or other individuals in-
7 volved in scheduling such appointments.

8 (c) **TERMINATION.**—The authority to carry out the
9 pilot program under subsection (a) shall terminate on the
10 date that is one year after the commencement of the pilot
11 program.

12 **SEC. 735. PILOT PROGRAM ON ORAL REHYDRATION SOLU-**
13 **TIONS.**

14 (a) **PILOT PROGRAM.**—The Secretary of Defense may
15 carry out a pilot program under which the Secretary shall
16 furnish medically approved oral rehydration solutions to
17 members of the Armed Forces.

18 (b) **DISTRIBUTION.**—Oral rehydration solutions fur-
19 nished under the pilot program carried out pursuant to
20 subsection (a) shall be distributed to members of the
21 Armed Forces at the brigade level, through the Airborne
22 and Ranger Training Brigade, the Maneuver Center of
23 Excellence of the Army, and the United States Army
24 Training and Doctrine Command. Such distribution shall

1 be carried out during a period of summer months, as de-
2 termined by the Secretary.

3 (c) REPORT.—Not later than 60 after the date of the
4 conclusion of the pilot program carried out pursuant to
5 subsection (a), the Secretary shall submit to the Commit-
6 tees on Armed Services of the House of Representatives
7 and the Senate a report on the effectiveness of the oral
8 rehydration solutions furnished under the pilot program.
9 Such report shall include—

10 (1) all data tracking the prevention of heat cas-
11 ualties and hyponatremia among participants under
12 the pilot program; and

13 (2) any other benefits realized under the pilot
14 program, including benefits related to cost savings,
15 readiness, or wellness of members of the Armed
16 Forces.

17 **SEC. 736. AUTHORIZATION OF PILOT PROGRAM TO SURVEY**
18 **ACCESS TO MENTAL HEALTH CARE UNDER**
19 **MILITARY HEALTH SYSTEM.**

20 (a) FINDINGS; SENSE OF CONGRESS.—

21 (1) FINDINGS.—Congress finds that—

22 (A) there is a connection between stigma,
23 mental health care access, and death by suicide;
24 and

1 (B) current command climate surveys lack
2 sufficient questions regarding mental health
3 stigma.

4 (2) SENSE OF CONGRESS.—It is the sense of
5 Congress that—

6 (A) military research and research of the
7 Department of Veterans Affairs significantly
8 contribute to overall health care research useful
9 for all individuals; and

10 (B) command climate surveys provide an
11 important function for ensuring safe command
12 environments.

13 (b) AUTHORIZATION OF PILOT PROGRAM TO SURVEY
14 ACCESS TO MENTAL HEALTH CARE UNDER MILITARY
15 HEALTH SYSTEM.—

16 (1) PILOT PROGRAM AUTHORIZED.—The Sec-
17 retary of Defense may carry out a pilot program to
18 survey access to mental health care under the mili-
19 tary health system.

20 (2) ELEMENTS.—In carrying out a pilot pro-
21 gram pursuant to paragraph (1), the Secretary shall
22 ensure that an adequate number of command cli-
23 mate surveys that include questions on access to
24 mental health care under the military health system
25 are administered to a representative sample of active

1 duty members of the Armed Forces across each mili-
2 tary department. Such questions shall be developed
3 by the survey administrator of the Defense Organi-
4 zational Climate Survey and shall address, at a min-
5 imum, the following matters:

6 (A) The perceived ability of the respondent
7 to access mental health care under the military
8 health system.

9 (B) Whether the respondent has previously
10 been prohibited from, or advised against, ac-
11 cessing such care.

12 (C) Any overall stigma perceived by the re-
13 spondent with respect to such care.

14 (D) The belief of the respondent that re-
15 ceiving care from a mental health care provider
16 may harm the career, or the ability to obtain a
17 security clearance, of the respondent.

18 (E) The belief of the respondent that re-
19 ceiving a mental health diagnosis may harm the
20 career, or the ability to obtain a security clear-
21 ance, of the respondent.

22 (3) TERMINATION.—The authority to carry out
23 a pilot program under paragraph (1) shall terminate
24 on September 1, 2023.

1 (4) REPORT.—Not later than 90 days after the
2 date on which a pilot program carried out pursuant
3 to paragraph (1) terminates, the Secretary shall sub-
4 mit to the Committees on Armed Services of the
5 House of Representatives and the Senate a report on
6 the results of the updated surveys administered pur-
7 suant to the pilot program.

8 (c) DEFINITIONS.—In this section, the terms “active
9 duty”, “Armed Forces”, and “military departments” have
10 the meanings given those terms in section 101 of title 10,
11 United States Code.

12 **SEC. 737. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
13 **RESEARCH CONNECTED TO CHINA.**

14 (a) PROHIBITION.—None of the funds authorized to
15 be appropriated by this Act or otherwise made available
16 for fiscal year 2022 for the Department of Defense may
17 be obligated or expended—

18 (1) to conduct research in China, including bio-
19 medical, infectious disease, gene editing, genetics,
20 virus, or military medical research, whether directly
21 or through a third-party entity; or

22 (2) to provide funds for research, including bio-
23 medical, infectious disease, gene editing, genetics,
24 virus, or military medical research, to any entity de-

1 terminated by the Secretary of Defense to be owned
2 or controlled, directly or indirectly, by China.

3 (b) WAIVER.—The Secretary of Defense may waive
4 a prohibition under subsection (a) if the Secretary—

5 (1) determines that the waiver is in the national
6 security interests of United States; and

7 (2) not later than 14 days after granting the
8 waiver, submits to the congressional defense commit-
9 tees a detailed justification for the waiver, includ-
10 ing—

11 (A) an identification of the Department of
12 Defense entity obligating or expending the
13 funds;

14 (B) an identification of the amount of such
15 funds;

16 (C) an identification of the intended pur-
17 pose of such funds;

18 (D) an identification of the recipient or
19 prospective recipient of such funds (including
20 any third-party entity recipient, as applicable);

21 (E) an explanation for how the waiver is in
22 the national security interests of the United
23 States; and

24 (F) any other information the Secretary
25 determines appropriate.

1 **SEC. 738. INDEPENDENT ANALYSIS OF DEPARTMENT OF**
2 **DEFENSE COMPREHENSIVE AUTISM CARE**
3 **DEMONSTRATION PROGRAM.**

4 (a) AGREEMENT.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall seek to enter into an agreement with the Na-
7 tional Academies of Sciences, Engineering, and Med-
8 icine (in this section referred to as the “National
9 Academies”) for the National Academies to carry
10 out the activities described in subsections (b) and
11 (c).

12 (2) TIMING.—The Secretary shall seek to enter
13 into the agreement described in paragraph (1) not
14 later than 60 days after the date of the enactment
15 of this Act.

16 (b) ANALYSIS BY THE NATIONAL ACADEMIES.—

17 (1) ANALYSIS.—Under an agreement between
18 the Secretary and the National Academies entered
19 into pursuant to subsection (a), the National Acad-
20 emies shall conduct an analysis of the effectiveness
21 of the Department of Defense Comprehensive Au-
22 tism Care Demonstration program (in this section
23 referred to as the “demonstration program”) and
24 develop recommendations for the Secretary based on
25 such analysis.

1 (2) ELEMENTS.—The analysis conducted and
2 recommendations developed under paragraph (1)
3 shall include the following:

4 (A) An assessment of the Pervasive Devel-
5 opmental Disabilities Behavior Inventory as a
6 measure to assist in the assessment of domains
7 related to autism spectrum disorder, and a de-
8 termination as to whether the Secretary is ap-
9 plying such inventory appropriately under the
10 demonstration project.

11 (B) An assessment of the methods used
12 under the demonstration project to measure the
13 effectiveness of applied behavior analysis in the
14 treatment of autism spectrum disorder.

15 (C) A review of any guidelines or industry
16 standards of care adhered to in the provision of
17 applied behavior analysis services under the
18 demonstration program, including a review of
19 the effects of such adherence with respect to
20 dose-response or expected health outcomes for
21 an individual who has received such services.

22 (D) A review of the expected health out-
23 comes for an individual who has received ap-
24 plied behavior analysis treatments over time.

1 (E) An analysis of the increased utilization
2 of the demonstration program by beneficiaries
3 under the TRICARE program, to improve un-
4 derstanding of such utilization.

5 (F) Such other analyses to measure the ef-
6 fectiveness of the demonstration program as
7 may be determined appropriate by the National
8 Academies.

9 (G) An analysis on whether the incidence
10 of autism is higher among the children of mili-
11 tary families.

12 (H) The development of a list of findings
13 and recommendations related to the measure-
14 ment, effectiveness, and increased under-
15 standing of the demonstration program and its
16 effect on beneficiaries under the TRICARE pro-
17 gram.

18 (c) REPORT.—Under an agreement entered into be-
19 tween the Secretary and the National Academies under
20 subsection (a), the National Academies, not later than
21 nine months after the date of the execution of the agree-
22 ment, shall—

23 (1) submit to the congressional defense commit-
24 tees a report on the findings of the National Acad-
25 emies with respect to the analysis conducted and

1 recommendations developed under subsection (b);
2 and

3 (2) make such report available on a public
4 website in unclassified form.

5 **SEC. 739. INDEPENDENT REVIEW OF SUICIDE PREVENTION**
6 **AND RESPONSE AT MILITARY INSTALLA-**
7 **TIONS.**

8 (a) ESTABLISHMENT OF COMMITTEE.—Not later
9 than 90 days after the date of the enactment of this Act,
10 the Secretary of Defense shall establish an independent
11 suicide prevention and response review committee.

12 (b) MEMBERSHIP.—The committee established under
13 subsection (a) shall be composed of not fewer than five
14 individuals—

15 (1) designated by the Secretary;

16 (2) with expertise determined to be relevant by
17 the Secretary, including at least one individual who
18 is an experienced provider of mental health services
19 and at least one individual who is an experienced
20 criminal investigator;

21 (3) none of whom may be a member of an
22 Armed Force or a civilian employee of the Depart-
23 ment of Defense.

24 (c) SELECTION OF MILITARY INSTALLATIONS.—The
25 Secretary shall select, for review by the committee estab-

1 lished under subsection (a), not fewer than three military
2 installations that have a higher-than-average incidence of
3 suicide by members of the Armed Forces serving at the
4 installation. The Secretary shall ensure that at least one
5 of the installations selected under this subsection is a re-
6 mote installation of the Department of Defense located
7 outside the contiguous United States.

8 (d) DUTIES.—The committee established under sub-
9 section (a) shall review the suicide prevention and re-
10 sponse programs and other factors that may contribute
11 to the incidence or prevention of suicide at the military
12 installations selected for review pursuant to subsection (c).
13 Such review shall be conducted through means includ-
14 ing—

- 15 (1) a confidential survey;
- 16 (2) focus groups; and
- 17 (3) individual interviews.

18 (e) COORDINATION.—In carrying out this section, the
19 Secretary shall ensure that the Director of the Office of
20 People Analytics of the Department of Defense and the
21 Director of the Office of Force Resiliency of the Depart-
22 ment of Defense coordinate and cooperate with the com-
23 mittee established under subsection (a).

24 (f) REPORTS.—

1 (1) INITIAL REPORT.—Not later than 270 days
2 after the establishment of the committee under sub-
3 section (a), the committee shall submit to the Sec-
4 retary a report containing the results of the reviews
5 conducted by the committee and recommendations of
6 the committee to reduce the incidence of suicide at
7 the military installations reviewed.

8 (2) REPORT TO CONGRESS.—Not later than
9 330 days after the establishment of the committee
10 under subsection (a), the committee shall submit to
11 the Committees on Armed Services of the House of
12 Representatives and the Senate the report under
13 paragraph (1).

14 **SEC. 740. FEASIBILITY AND ADVISABILITY STUDY ON ES-**
15 **TABLISHMENT OF AEROMEDICAL SQUADRON**
16 **AT JOINT BASE PEARL HARBOR-HICKAM.**

17 (a) STUDY.—Not later than April 1, 2022, the Sec-
18 retary of Defense, in consultation with the Chief of the
19 National Guard Bureau and the Director of the Air Na-
20 tional Guard, shall complete a study on the feasibility and
21 advisability of establishing at Joint Base Pearl Harbor-
22 Hickam an aeromedical squadron of the Air National
23 Guard in Hawaii to support the aeromedical mission needs
24 of the State of Hawaii and the United States Indo-Pacific
25 Command.

1 (b) ELEMENTS.—The study under subsection (a)
2 shall assess the following:

3 (1) The manpower required for the establish-
4 ment of an aeromedical squadron of the Air Na-
5 tional Guard in Hawaii as specified in subsection
6 (a).

7 (2) The overall cost of such establishment.

8 (3) The length of time required for such estab-
9 lishment.

10 (4) The mission requirements for such estab-
11 lishment.

12 (5) Such other matters as may be determined
13 relevant by the Secretary.

14 (c) SUBMISSION TO CONGRESS.—Not later than April
15 1, 2022, the Secretary shall submit to the Committees on
16 Armed Services of the House of Representatives and the
17 Senate a report containing the findings of the feasibility
18 and advisability study under subsection (a), including with
19 respect to each element specified in subsection (b).

20 **SEC. 741. PLAN TO ADDRESS FINDINGS RELATED TO AC-**
21 **CESS TO CONTRACEPTION FOR MEMBERS OF**
22 **THE ARMED FORCES.**

23 (a) PLAN REQUIRED.—The Secretary of Defense (in
24 coordination with the Secretaries of the military depart-
25 ments) shall develop and implement a plan to address the

1 findings of the report of the Department of Defense on
2 the status of implementation of guidance for ensuring ac-
3 cess to contraception published in response to pages 155
4 through 156 of the report of the Committee on Armed
5 Services of the House of Representatives accompanying
6 H.R. 6395 of the 116th Congress (H. Rept. 116-617).

7 (b) ELEMENTS.—The plan under subsection (a) shall
8 address—

9 (1) the barriers and challenges to implementa-
10 tion identified in the report of the Department speci-
11 fied in such subsection; and

12 (2) the inability of certain members of the
13 Armed Forces to access their preferred method of
14 contraception and have ongoing access during de-
15 ployment.

16 (c) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary shall submit
18 to the appropriate congressional committees a report on
19 the plan under subsection (a) and any progress made pur-
20 suant to such plan.

21 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
22 DEFINED.—In this section, the term “appropriate con-
23 gressional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Transportation and Infrastructure of
3 the House of Representatives; and

4 (2) the Committee on Armed Services and the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate.

7 **SEC. 742. GAO BIENNIAL STUDY ON INDIVIDUAL LONGITU-**
8 **DINAL EXPOSURE RECORD PROGRAM.**

9 (a) **STUDIES AND REPORTS REQUIRED.**—Not later
10 than December 31, 2022, and once every two years there-
11 after until December 31, 2030, the Comptroller General
12 of the United States shall—

13 (1) conduct a study on the implementation and
14 effectiveness of the Individual Longitudinal Expo-
15 sure Record program of the Department of Defense
16 and the Department of Veterans Affairs; and

17 (2) submit to the appropriate congressional
18 committees a report containing the findings of the
19 most recently conducted study.

20 (b) **ELEMENTS.**—The biennial studies under sub-
21 section (a) shall include an assessment of elements as fol-
22 lows:

23 (1) **INITIAL STUDY.**—The initial study con-
24 ducted under subsection (a) shall assess, at a min-
25 imum, the following:

1 (A) Statistics relating to use of the Indi-
2 vidual Longitudinal Exposure Record program,
3 including the total number of individuals the
4 records of whom are contained therein and the
5 total number of records accessible under the
6 program.

7 (B) Costs associated with the program, in-
8 cluding any cost overruns associated with the
9 program.

10 (C) The capacity to expand the program to
11 include the medical records of veterans who
12 served prior to the establishment of the pro-
13 gram.

14 (D) Any illness recently identified as relat-
15 ing to a toxic exposure (or any guidance relat-
16 ing to such an illness recently issued) by either
17 the Secretary of Defense or the Secretary of
18 Veterans Affairs, including any such illness or
19 guidance that relates to open burn pit exposure.

20 (E) How the program has enabled (or
21 failed to enable) the discovery, notification, and
22 medical care of individuals affected by an illness
23 described in subparagraph (D).

1 (F) Physician and patient feedback on the
2 program, particularly feedback that relates to
3 ease of use.

4 (G) Cybersecurity and privacy protections
5 of patient data stored under the program, in-
6 cluding whether any classified or restricted data
7 has been stored under the program (such as
8 data relating to deployment locations or duty
9 stations).

10 (H) Any technical or logistical impedi-
11 ments to the implementation or expansion of
12 the program, including any impediments to the
13 inclusion in the program of databases or mate-
14 rials originally intended to be included.

15 (I) Any issues relating to read-only access
16 to data under the program by veterans.

17 (J) Any issues relating to the interoper-
18 ability of the program between the Department
19 of Defense and the Department of Veterans Af-
20 fairs.

21 (2) SUBSEQUENT STUDIES.—Except as pro-
22 vided in paragraph (3), each study conducted under
23 subsection (a) following the initial study specified in
24 paragraph (1) shall assess—

1 (A) statistics relating to use of the Indi-
2 vidual Longitudinal Exposure Record program,
3 including the total number of individuals the
4 records of whom are contained therein and the
5 total number of records accessible under the
6 program; and

7 (B) such other elements as the Comptroller
8 General determines appropriate, which may in-
9 clude any other element specified in paragraph
10 (1).

11 (3) FINAL STUDY.—The final study conducted
12 under subsection (a) shall assess—

13 (A) the elements specified in subpara-
14 graphs (A), (B), (D), (E), (F), and (H) of
15 paragraph (1); and

16 (B) such other elements as the Comptroller
17 General determines appropriate, which may in-
18 clude any other element specified in paragraph
19 (1).

20 (c) ACCESS BY COMPTROLLER GENERAL.—

21 (1) INFORMATION AND MATERIALS.—Upon re-
22 quest of the Comptroller General, the Secretary of
23 Defense and the Secretary of Veterans Affairs shall
24 make available to the Comptroller General any infor-

1 mation or other materials necessary for the conduct
2 of each biennial study under subsection (a).

3 (2) INTERVIEWS.—In addition to such other au-
4 thorities as are available, the Comptroller General
5 shall have the right to interview officials and em-
6 ployees of the Department of Defense and the De-
7 partment of Veterans Affairs (including clinicians,
8 claims adjudicators, and researchers) as necessary
9 for the conduct of each biennial study under sub-
10 section (a).

11 (3) INFORMATION FROM PATIENTS AND
12 FORMER PATIENTS.—

13 (A) DEVELOPMENT OF QUESTIONNAIRE.—

14 In carrying out each biennial study under sub-
15 section (a), the Comptroller General may de-
16 velop a questionnaire for individuals the records
17 of whom are contained in the Individual Longi-
18 tudinal Exposure Record, to obtain the infor-
19 mation necessary for the conduct of the study.

20 (B) DISTRIBUTION.—The Secretary con-
21 cerned shall ensure that any questionnaire de-
22 veloped pursuant to subparagraph (A) is dis-
23 tributed to individuals the records of whom are
24 contained in the Individual Longitudinal Expo-
25 sure Record.

1 (d) DEFINITIONS.—In this Act:

2 (1) The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services and
5 the Committee on Veterans’ Affairs of the
6 House of Representatives; and

7 (B) the Committee on Armed Services and
8 the Committee on Veterans’ Affairs of the Sen-
9 ate.

10 (2) The term “Secretary concerned” means—

11 (A) the Secretary of Defense, with respect
12 to matters concerning the Department of De-
13 fense; and

14 (B) the Secretary of Veterans Affairs, with
15 respect to matters concerning the Department
16 of Veterans Affairs.

17 **SEC. 743. GAO STUDY ON EXCLUSION OF CERTAIN REMAR-**

18 **RIED INDIVIDUALS FROM MEDICAL AND DEN-**

19 **TAL COVERAGE UNDER TRICARE PROGRAM.**

20 (a) GAO STUDY.—

21 (1) STUDY.—The Comptroller General of the
22 United States shall conduct a study on the purpose
23 and effects of limiting medical and dental coverage
24 under the TRICARE program to exclude remarried

1 widows, widowers, and former spouses of members
2 or former members of the uniformed services.

3 (2) ELEMENTS.—The study under paragraph
4 (1) shall include the following:

5 (A) A census of the widows and widowers
6 who currently qualify as a dependent under the
7 TRICARE program pursuant to subparagraph
8 (B) or (C) of section 1072(2) of title 10,
9 United States Code.

10 (B) A census of the former spouses who
11 currently qualify as a dependent under the
12 TRICARE program pursuant to subparagraph
13 (F), (G), or (H) of such section.

14 (C) An identification of the number of
15 such widows, widowers, and former spouses who
16 intend to remarry, and an assessment of wheth-
17 er potential loss of coverage under the
18 TRICARE program has affected the decisions
19 of such individuals to remarry or remain
20 unremarried.

21 (D) An assessment of the effect, if any, on
22 the military and local communities of an indi-
23 vidual who formerly qualified as a dependent
24 under the TRICARE program by reason of
25 being an unremarried widow, widower, or

1 former spouse, as specified in section 1072(2)
2 of title 10, United States Code, when the indi-
3 vidual remarries and loses such coverage.

4 (E) A cost analysis of the expansion of
5 medical and dental coverage under the
6 TRICARE program to include remarried indi-
7 viduals who, but for their remarried status,
8 would otherwise qualify as a dependent under
9 such program.

10 (b) REPORT.—Not later than one year after the date
11 of the enactment of this Act, the Comptroller General shall
12 submit to the Committees on Armed Services of the House
13 of Representatives and the Senate a report containing—

14 (1) the findings and conclusions of the study
15 under subsection (a); and

16 (2) recommendations based on such findings
17 and conclusions to improve the dependent categories
18 specified in section 1072(2) of title 10, United
19 States Code, including with respect to whether re-
20 married widows, widowers, and former spouses of
21 members or former members of the uniformed serv-
22 ices should remain excluded from coverage under the
23 TRICARE program pursuant to such section.

24 (c) DEFINITIONS.—In this section, the terms “de-
25 pendent” and “TRICARE program” have the meanings

1 given such terms in section 1072 of title 10, United States
2 Code.

3 **SEC. 744. STUDY ON JOINT FUND OF THE DEPARTMENT OF**
4 **DEFENSE AND THE DEPARTMENT OF VET-**
5 **ERANS AFFAIRS FOR FEDERAL ELECTRONIC**
6 **HEALTH RECORD MODERNIZATION OFFICE.**

7 (a) STUDY.—The Secretary of Defense, in coordina-
8 tion with the Secretary of Veterans Affairs, shall conduct
9 a study on—

10 (1) the development of a joint fund of the De-
11 partment of Defense and the Department of Vet-
12 erans Affairs for the Federal Electronic Health
13 Record Modernization Office; and

14 (2) the operations of the Federal Electronic
15 Health Record Modernization Office since its estab-
16 lishment, including how the Office has supported the
17 implementation of the Individual Longitudinal Expo-
18 sure Record program of the Department of Defense
19 and the Department of Veterans Affairs.

20 (b) ELEMENTS.—The study under subsection (a)
21 shall assess the following:

22 (1) Justifications for the development of the
23 joint fund.

24 (2) Options for the governance structure of the
25 joint fund, including how accountability would be di-

1 vided between the Department of Defense and the
2 Department of Veterans Affairs.

3 (3) An estimated timeline for implementation of
4 the joint fund.

5 (4) The anticipated contents of the joint fund,
6 including the anticipated process for annual trans-
7 fers to the joint fund from the Department of De-
8 fense and the Department of Veterans Affairs, re-
9 spectively.

10 (5) The progress and accomplishments of the
11 Federal Electronic Health Record Modernization Of-
12 fice during fiscal year 2021 in fulfilling the purposes
13 specified in subparagraphs (C) through (R) of sec-
14 tion 1635(b)(2) of the Wounded Warrior Act (title
15 XVI of Public Law 110–181; 10 U.S.C. 1071 note).

16 (6) The role and contributions of the Federal
17 Electronic Health Record Modernization Office with
18 respect to—

19 (A) the current implementation of the
20 Electronic Health Record Modernization Pro-
21 gram at the Mann-Grandstaff Department of
22 Veterans Affairs Medical Center located in Spo-
23 kane, Washington; and

1 (B) the strategic review of the Electronic
2 Health Record Modernization Program con-
3 ducted by the Department of Veterans Affairs.

4 (7) How dedicated funding for the Federal
5 Electronic Health Record Modernization Office
6 would have affected or altered the role and contribu-
7 tions specified in paragraph (6).

8 (8) An estimated timeline for the completion of
9 the implementation milestones under section 1635(e)
10 of the Wounded Warrior Act (title XVI of Public
11 Law 110–181; 10 U.S.C. 1071 note), taking into ac-
12 count delays in the implementation of the Electronic
13 Health Record Modernization Program.

14 (c) REPORT.—Not later than April 1, 2022, the Sec-
15 retary of Defense, in coordination with the Secretary of
16 Veterans Affairs, shall submit to the appropriate congres-
17 sional committees a report on the findings of the study
18 under subsection (a), including recommendations on the
19 development of the joint fund specified in such subsection.
20 Such recommendations shall address—

- 21 (1) the purpose of the joint fund; and
22 (2) requirements related to the joint fund.

23 (d) DEFINITIONS.—In this section:

- 24 (1) The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committees on Armed Services of
2 the House of Representatives and the Senate;
3 and

4 (B) the Committees on Veterans' Affairs of
5 the House of Representatives and the Senate.

6 (2) The term "Electronic Health Record Mod-
7 ernization Program" has the meaning given such
8 term in section 503(e) of the Veterans Benefits and
9 Transition Act of 2018 (Public Law 115–407; 132
10 Stat. 5376).

11 (3) The term "Federal Electronic Health
12 Record Modernization Office" means the Office es-
13 tablished under section 1635(b) of the Wounded
14 Warrior Act (title XVI of Public Law 110–181; 10
15 U.S.C. 1071 note).

16 **SEC. 745. BRIEFING ON DOMESTIC PRODUCTION OF CRIT-**
17 **ICAL ACTIVE PHARMACEUTICAL INGREDI-**
18 **ENTS.**

19 Not later than April 1, 2022, the Secretary of De-
20 fense shall provide to the Committees on Armed Services
21 of the House of Representatives and the Senate a briefing
22 on the development of a domestic production capability for
23 critical active pharmaceutical ingredients and drug prod-
24 ucts in finished dosage form. Such briefing shall include
25 a description of the following:

1 (1) The anticipated cost over the period covered
2 by the most recent future-years defense program
3 submitted under section 221 of title 10, United
4 States Code (as of the date of the briefing), to de-
5 velop a domestic production capability for critical ac-
6 tive pharmaceutical ingredients.

7 (2) The cost of producing critical active phar-
8 maceutical ingredients through such a domestic pro-
9 duction capability, as compared with the cost of
10 standard manufacturing processes used by the phar-
11 maceutical industry.

12 (3) The average time to produce critical active
13 pharmaceutical ingredients through such a domestic
14 production capability, as compared with the average
15 time to produce such ingredients through standard
16 manufacturing processes used by the pharmaceutical
17 industry.

18 (4) Any intersections between the development
19 of such a domestic production capability, the mili-
20 tary health system, and defense-related medical re-
21 search or operational medical requirements.

22 (5) Lessons learned from the progress made in
23 developing such a domestic production capability as
24 of the date of the briefing, including from any con-

1 tracts entered into by the Secretary with respect to
2 such a domestic production capability.

3 (6) Any critical active pharmaceutical ingredi-
4 ents that are under consideration by the Secretary
5 for future domestic production as of the date of the
6 briefing.

7 (7) The plan of the Secretary regarding the fu-
8 ture use of domestic production capability for critical
9 active pharmaceutical ingredients.

10 **SEC. 746. BRIEFING ON ANOMALOUS HEALTH INCIDENTS**

11 **INVOLVING MEMBERS OF THE ARMED**
12 **FORCES.**

13 (a) BRIEFING.—Not later than March 1, 2022, the
14 Secretary of Defense shall provide to the appropriate con-
15 gressional committees a briefing on anomalous health inci-
16 dents affecting members of the Armed Forces and civilian
17 employees of the Department of Defense, any ongoing ef-
18 forts carried out by the Secretary to protect such members
19 and employees from the effects of anomalous health inci-
20 dents, and the extent and nature of engagement by the
21 Secretary with the heads of other Federal departments
22 and agencies regarding anomalous health incidents affect-
23 ing the employees of such other departments and agencies.

24 (b) MATTERS.—The briefing provided under sub-
25 section (a) shall include, at a minimum, the following:

1 (1) Information on cases of confirmed or sus-
2 pected anomalous health incidents affecting mem-
3 bers of the Armed Forces or civilian employees of
4 the Department.

5 (2) An update on the strategy of the Depart-
6 ment to protect such members and employees from
7 the effects of anomalous health incidents, including
8 any efforts carried out by the Secretary to ensure
9 that—

10 (A) suspected anomalous health incidents
11 are promptly reported; and

12 (B) victims of anomalous health incidents
13 are provided immediate and long-term medical
14 treatment.

15 (3) The current efforts of the Department to
16 contribute to the overall approach of the U.S. Gov-
17 ernment to address, prevent, and respond to, anoma-
18 lous health incidents, including such contributed ef-
19 forts of the Department to defend against anoma-
20 lous health incident attacks against personnel of the
21 U.S. Government and United States citizens.

22 (4) The current efforts of the Department to
23 prepare members of the Armed Forces and civilian
24 employees of the Department for the effects of

1 anomalous health incidents, including prior to de-
2 ployment.

3 (5) Recommendations on how to improve the
4 identification and reporting of anomalous health in-
5 cidents affecting such members and employees, in-
6 cluding a recommendation on whether to conduct a
7 health assessment prior to the deployment of such
8 members or employees if the prospective deployment
9 is to an embassy of the United States (or to another
10 location that the Secretary determines may present
11 a heightened risk of anomalous health incidents), to
12 establish a medical baseline against which medical
13 data of the member or employee may be compared
14 following a suspected anomalous health incident.

15 (6) An identification by the Secretary of a sen-
16 ior official of the Department who has been des-
17 ignated by the Secretary as the official with prin-
18 cipal responsibility for leading the efforts of the De-
19 partment regarding anomalous health incidents (and
20 related issues within the Department) and for co-
21 ordinating with the heads of other Federal depart-
22 ments and agencies regarding such incidents and re-
23 lated issues.

24 (c) SENATE CONFIRMATION OF RESPONSIBLE INDI-
25 VIDUAL.—If the designated senior official identified pur-

1 suant to subsection (b)(6) has not been appointed by and
2 with the advice and consent of the Senate, the Secretary
3 shall ensure that the principal responsibility for the ac-
4 tions specified in such subsection is transferred to a senior
5 official of the Department who has been so appointed.

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
7 DEFINED.—In this section, the term “appropriate con-
8 gressional committees” means—

9 (1) the Committee on Armed Services, the
10 Committee on Oversight and Reform, and the Com-
11 mittee on Transportation and Infrastructure of the
12 House of Representatives; and

13 (2) the Committee on Armed Services, the
14 Committee on Homeland Security and Governmental
15 Affairs, and the Committee on Commerce, Science,
16 and Transportation of the Senate.

17 **SEC. 747. SENSE OF CONGRESS ON NATIONAL WARRIOR**
18 **CALL DAY.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) Establishing an annual “National Warrior
21 Call Day” will draw attention to those members of
22 the Armed Forces whose connection to one another
23 is key to our veterans and first responders who may
24 be dangerously disconnected from family, friends,
25 and support systems.

1 (2) The number of suicides of members of the
2 Armed Forces serving on active duty increased to
3 377 in 2020, a figure up from 348 the previous
4 year.

5 (3) The epidemic of veteran suicide has steadily
6 increased since 2014 with 6,435 veterans taking
7 their own lives in 2018.

8 (4) After adjusting for sex and age, the rate of
9 veteran suicide in 2018 was 27.5 per 100,000 indi-
10 viduals, higher than the rate among all United
11 States adults at 18.3.

12 (5) More veterans have died by suicide in the
13 last 10 years than members of the Armed Forces
14 who died from combat in Vietnam.

15 (6) Roughly two-thirds of these veterans who
16 take their own lives have had no contact with the
17 Department of Veterans Affairs.

18 (7) The COVID-19 pandemic has only in-
19 creased isolation and disconnection, further exacer-
20 bating mental and physical ailments such as post-
21 traumatic stress disorder and traumatic brain in-
22 jury.

23 (8) The Centers for Disease Control and Pre-
24 vention note that law enforcement officers and fire-
25 fighters are more likely to die by suicide than in the

1 line of duty, and emergency medical services pro-
2 viders are 1.39 times more likely to die by suicide
3 than members of the general public.

4 (9) Invisible wounds linked to an underlying
5 and undiagnosed traumatic brain injury can mirror
6 many mental health conditions, a problem that can
7 be addressed through connections to members of the
8 Armed Forces and veterans who can better identify
9 and address these wounds.

10 (10) Urgent research is needed to highlight the
11 connection between traumatic brain injury as a root
12 cause of invisible wounds and suicide by members of
13 the Armed Forces and veterans.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that Congress—

16 (1) supports the designation of a “National
17 Warrior Call Day”;

18 (2) encourages all Americans, especially mem-
19 bers of the Armed Forces serving on active duty and
20 veterans, to call up a warrior, have an honest con-
21 versation, and connect them with support, under-
22 standing that making a warrior call could save a life;
23 and

24 (3) implores all Americans to recommit them-
25 selves to engaging with members of the Armed

1 Forces through “National Warrior Call Day” and
2 constructive efforts that result in solutions and
3 treatment for the invisible scars they carry.

4 **SEC. 748. MANDATORY TRAINING ON HEALTH EFFECTS OF**
5 **PERFLUOROALKYL OR POLYFLUOROALKYL**
6 **SUBSTANCES.**

7 The Secretary of Defense shall provide to each med-
8 ical provider of the Department of Defense mandatory
9 training with respect to the potential health effects of
10 perfluoroalkyl or polyfluoroalkyl substances.

11 **SEC. 749. PILOT PROGRAM ON SLEEP APNEA AMONG NEW**
12 **RECRUITS.**

13 (a) PILOT PROGRAM.—The Secretary of Defense,
14 acting through the Defense Health Agency, shall carry out
15 a pilot program to determine the prevalence of sleep apnea
16 among members of the Armed Forces assigned to initial
17 training.

18 (b) PARTICIPATION.—

19 (1) MEMBERS.—The Secretary shall ensure
20 that the number of members who participate in the
21 pilot program under subsection (a) is sufficient to
22 collect statistically significant data for each military
23 department.

24 (2) SPECIAL RULE.—The Secretary may not
25 disqualify a member from service in the Armed

1 Forces by reason of the member being diagnosed
2 with sleep apnea pursuant to the pilot program
3 under subsection (a).

4 **SEC. 750. SURVEY ON EFFECTS OF COVID-19 MANDATE ON**
5 **MATTERS RELATING TO RECRUITMENT AND**
6 **REINLISTMENT.**

7 (a) SURVEY.—Not later than 30 days after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall conduct an anonymous survey to determine the ef-
10 fects that the COVID-19 vaccine mandate issued by the
11 Secretary on August 24, 2021, has had on recruitment
12 to and reenlistment in the Armed Forces.

13 (b) MATTERS.—The survey under subsection (a)
14 shall include an assessment of the following:

15 (1) Whether the announcement of the COVID-
16 19 vaccine mandate encouraged the reenlistment,
17 discouraged the reenlistment, or had any effect on
18 the reenlistment, of members of the Armed Forces.

19 (2) Whether the announcement of the COVID-
20 19 vaccine mandate encouraged individuals to join
21 the Armed Forces, discouraged individuals to join
22 the Armed Forces, or had any other effect on re-
23 cruitment efforts for the Armed Forces.

24 (c) PUBLICATION AND SUBMISSION TO CONGRESS.—

1 (1) IN GENERAL.—Not later than 240 days
2 after the date of the enactment of this Act, the Sec-
3 retary shall submit to Congress the results of the
4 survey under subsection (a) and publish such results
5 on an internet website of the Department of De-
6 fense.

7 (2) PRIVACY CONSIDERATIONS.—In submitting
8 and publishing the results of the survey under para-
9 graph (1), the Secretary shall ensure that such re-
10 sults do not include any personally identifiable infor-
11 mation of Armed Forces recruits, members of the
12 Armed Forces, or any other individual surveyed
13 under this section.

14 **SEC. 751. FUNDING FOR PANCREATIC CANCER RESEARCH.**

15 (a) INCREASE.—Notwithstanding the amounts set
16 forth in the funding tables in division D, the amount au-
17 thorized to be appropriated in section 1405 for the De-
18 fense Health Program, as specified in the corresponding
19 funding table in section 4501, for R&D Research is hereby
20 increased by \$5,000,000 for the purposes of pancreatic
21 cancer research, of which \$5,000,000 is for the purposes
22 of a pancreatic cancer early detection initiative (EDI).

23 (b) OFFSET.—Notwithstanding the amounts set forth
24 in the funding tables in division D, the amount authorized
25 to be appropriated in section 1405 for Defense Health

1 Program, as specified in the corresponding funding table
2 in section 4501, for Base Operations/Communications is
3 hereby reduced by \$5,000,000.

4 **SEC. 752. REPORT ON DISCREPANCIES BETWEEN TRICARE**
5 **PROGRAM AND CHAMPVA PROGRAM IN CER-**
6 **TAIN COVERAGE STANDARDS.**

7 (a) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall submit to Congress a report that details any discrep-
10 ancies between the TRICARE program and the
11 CHAMPVA program of the Department of Veterans Af-
12 fairs, with respect to coverage standards under such pro-
13 grams for nursing home care and in-home care.

14 (b) MATTERS.—The report under subsection (a) shall
15 include, with respect to any standard described in such
16 subsection under the TRICARE program that the Sec-
17 retary determines is lower than the corresponding stand-
18 ard under the CHAMPVA program of the Department of
19 Veterans Affairs, a description of—

20 (1) the anticipated cost of aligning such lower
21 standard to conform with the higher standard; and

22 (2) any obstacles (including statutory, regu-
23 latory, or other obstacles) to such alignment.

1 **SEC. 753. FUNDING FOR RAPID SCREENING UNDER DEVEL-**
2 **OPMENT OF MEDICAL COUNTERMEASURES**
3 **AGAINST NOVEL ENTITIES PROGRAM.**

4 (a) INCREASE.—Notwithstanding the amounts set
5 forth in the funding tables in division D, the amount au-
6 thorized to be appropriated in section 4201 for Advanced
7 Component Development & Prototypes, Research, Devel-
8 opment, Test, and Evaluation, Defense-Wide, as specified
9 in the corresponding funding table in section 4201, for
10 the Chemical and Biological Defense Program- DEM/
11 VAL, Line 82, is hereby increased by \$4,500,000 for the
12 Development of Medical Countermeasures Against Novel
13 Entities program of the Defense Threat Reduction Agen-
14 cy, to allow for the rapid screening of all compounds ap-
15 proved by the Food and Drug Administration, and other
16 human-safe compound libraries, to identify optimal drug
17 candidates for repurposing as medical countermeasures
18 for COVID–19 and other novel and emerging biological
19 threats.

20 (b) OFFSET.—Notwithstanding the amounts set forth
21 in the funding tables in division D, the amount authorized
22 to be appropriated in section 4201 for Operations and
23 Maintenance, Defense-Wide, as specified in the cor-
24 responding funding table in 4301, for Defense Media Ac-
25 tivity, Line 370, is hereby reduced by \$4,500,000.

1 **SEC. 754. INCREASED COLLABORATION WITH NIH TO COM-**
2 **BAT TRIPLE NEGATIVE BREAST CANCER.**

3 (a) IN GENERAL.—The Office of Health of the De-
4 partment of Defense shall work in collaboration with the
5 National Institutes of Health to—

6 (1) identify specific genetic and molecular tar-
7 gets and biomarkers for triple negative breast can-
8 cer; and

9 (2) provide information useful in biomarker se-
10 lection, drug discovery, and clinical trials design that
11 will enable both—

12 (A) triple negative breast cancer patients
13 to be identified earlier in the progression of
14 their disease; and

15 (B) the development of multiple targeted
16 therapies for the disease.

17 (b) FUNDING.—Notwithstanding the amounts set
18 forth in the funding tables in division D, the amount au-
19 thorized to be appropriated by section 1405 for the De-
20 fense Health Program, as specified in the corresponding
21 funding tables in division D, is hereby increased by
22 \$10,000,000 to carry out subsection (a).

23 (c) OFFSET.—Notwithstanding the amounts set forth
24 in the funding tables in division D, the amount authorized
25 to be appropriated by section 1405 for the Defense Health
26 Program, as specified in the corresponding funding tables

1 in division D, for Private Sector Care is hereby reduced
2 by \$10,000,000.

3 **SEC. 755. FUNDING FOR POST-TRAUMATIC STRESS DIS-**
4 **ORDER.**

5 (a) FUNDING.—Notwithstanding the amounts set
6 forth in the funding tables in division D, the amount au-
7 thorized to be appropriated by section 1405 for the De-
8 fense Health Program, as specified in the corresponding
9 funding table in such division, is hereby increased by
10 \$2,500,000 for post-traumatic stress disorder.

11 (b) OFFSET.—Notwithstanding the amounts set forth
12 in the funding tables in division D, the amount authorized
13 to be appropriated by section 1405 for the Defense Health
14 Program, as specified in the corresponding funding tables
15 in division D, for Private Sector Care is hereby reduced
16 by \$2,500,000.

17 **SEC. 756. REPORT ON RATE OF MATERNAL MORTALITY**
18 **AMONG MEMBERS OF THE ARMED FORCES.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of Defense, and with re-
21 spect to members of the Coast Guard, the Secretary of
22 the Department in which the Coast Guard is operating
23 when it is not operating as a service in the Navy, shall
24 submit to Congress a report on the rate of maternal mor-

1 tality among members of the Armed Forces and the de-
2 pendants of such members.

3 **SEC. 757. SENSE OF CONGRESS ON DESIGNATION OF MILI-**
4 **TARY HEART HEALTH AWARENESS DAY.**

5 It is the sense of Congress that there should be des-
6 igned a “Military Heart Health Awareness Day”.

7 **SEC. 758. PILOT PROGRAM TO IMPROVE MILITARY READI-**
8 **NESS THROUGH NUTRITION AND WELLNESS**
9 **INITIATIVES.**

10 (a) PILOT PROGRAM.—The Secretary of Defense, in
11 consultation with the Secretaries of the military depart-
12 ments, shall carry out a pilot program to improve military
13 readiness through nutrition and wellness initiatives.

14 (b) UNIT SELECTION.—The Secretary of Defense
15 shall select for participation in the pilot program under
16 subsection (a) a unit at a basic training facility or an early
17 instructional facility of a military department.

18 (c) ELEMENTS.—The pilot program under subsection
19 (a) shall include the following activities:

20 (1) The development, and administration to the
21 unit selected pursuant to subsection (b), of an edu-
22 cational curriculum relating to nutrition, physical
23 fitness, the proper use of supplements, and any
24 other human performance elements determined rel-

1 evant by the Secretary of the military department
2 with jurisdiction over the unit.

3 (2) The provision to the unit of health-related
4 testing.

5 (3) The provision to the unit of dietary supple-
6 ments.

7 (d) IMPLEMENTING PARTNER.—

8 (1) SELECTION.—The Secretary of Defense
9 shall select as an implementing partner a single con-
10 tractor to both carry out all of the activities under
11 subsection (c) and manufacture the dietary supple-
12 ments to be provided pursuant to subsection (c)(3)
13 at a manufacturing facility owned by the contractor.
14 In making such selection, the Secretary shall ensure
15 that the contractor enforces an appropriate level of
16 third-party review with respect to the quality and
17 safety of products manufactured, as determined by
18 the Secretary.

19 (2) CONSIDERATIONS.— In selecting the con-
20 tractor under paragraph (1), the Secretary shall con-
21 sider the following:

22 (A) Whether the contractor has the ability
23 to carry out each activity under subsection (c),
24 in addition to the ability to manufacture the di-

1 etary supplements to be provided pursuant to
2 subsection (c)(3).

3 (B) Whether the manufacturing facility of
4 the contractor is a fully independent, third-
5 party certified, manufacturing facility that
6 holds the highest “Good Manufacturing Prac-
7 tice” certification or rating possible, as issued
8 by a regulatory agency of the Federal govern-
9 ment.

10 (C) Whether the manufacturing facility of
11 the contractor, and all finished products manu-
12 factured therein, have been verified by a third-
13 party as free from banned substances and con-
14 taminants.

15 (D) Whether the contractor is in compli-
16 ance with the adverse event reporting policy
17 and third-party adverse event monitoring policy
18 of the Food and Drug Administration.

19 (E) Whether the contractor implements a
20 stability testing program that supports product
21 expiration dating.

22 (F) Whether the contractor has a credible
23 and robust environment, social, and governance
24 policy that articulates responsibilities and an-
25 nual goals.

1 (G) Whether the contractor has dem-
2 onstrated at least five years of operation as a
3 business in good standing in the industry.

4 (H) Whether the contractor has a dem-
5 onstrated history of maintaining relationships
6 with nationally-recognized medical and health
7 organizations.

8 (e) COORDINATION.—In carrying out the pilot pro-
9 gram under subsection (a), the contractor selected under
10 subsection (d) shall coordinate with the following:

11 (1) Command, training, and medical officers
12 and noncommissioned officers.

13 (2) Outside experts (including experts with rel-
14 evant experience from research and testing organiza-
15 tions, credible medical committees, or hospitals) that
16 may lend personalized support, capture data, and fa-
17 cilitate third-party adverse event reporting.

18 (f) DURATION.—The pilot program under subsection
19 (a) shall be for a period of six months.

20 (g) REPORT.—Upon the termination of the pilot pro-
21 gram under subsection (a), the Secretary of Defense shall
22 submit to the congressional defense committees a report
23 on the results of the pilot program, including any findings
24 or data from the pilot program, and a recommendation
25 by the Secretary of Defense for improvements to the readi-

1 ness of the Armed Forces based on such findings and
2 data.

3 **SEC. 759. MANDATORY TRAINING ON TREATMENT OF EAT-**
4 **ING DISORDERS.**

5 The Secretary of Defense shall furnish to each med-
6 ical professional who provides direct care services under
7 the military health system a mandatory training, con-
8 sistent with generally accepted standards of care, on how
9 to screen, intervene, and refer patients to treatment, for
10 the severe mental illness of eating disorders.

11 **SEC. 760. PRIORITY FOR DOMESTICALLY SOURCED BOVINE**
12 **HEPARIN.**

13 The Secretary of Defense shall provide priority for
14 domestically sourced, fully traceable, bovine heparin ap-
15 proved by the Food and Drug Administration when avail-
16 able.

17 **SEC. 761. ACCESS TO MENSTRUAL HYGIENE PRODUCTS**
18 **AND ACCOMMODATIONS.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Defense shall submit to Con-
21 gress a report on the availability of menstrual hygiene
22 products on military bases, and accommodations related
23 to menstrual hygiene available to members of the Armed
24 Forces.

1 **SEC. 762. REPORT ON PRECONCEPTION AND PRENATAL**
2 **CARRIER SCREENING TESTS UNDER**
3 **TRICARE.**

4 (a) **IN GENERAL.**—Not later than 180 days after the
5 date of enactment of this Act, the Secretary of Defense
6 shall submit to Congress a report on potential TRICARE
7 coverage of preconception and prenatal carrier screening
8 tests for certain medical conditions.

9 (b) **REPORT CONTENTS.**—The report required under
10 subsection (a) shall include, with respect to such tests—

11 (1) a cost-benefit analysis of TRICARE cov-
12 erage expansion;

13 (2) an assessment of the coverage of such tests
14 by public and private sector health plans; and

15 (3) an assessment of the benefits to health out-
16 comes for military families and the impact, if any,
17 on military readiness of members of the Armed
18 Forces.

19 (c) **DEFINITION OF TRICARE.**—In this section, the
20 term “TRICARE” has the meaning given that term in
21 section 1072 of title 10, United States Code.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Acquisition Policy and**
6 **Management**

7 **SEC. 801. ACQUISITION WORKFORCE EDUCATIONAL PART-**
8 **NERSHIPS.**

9 (a) IN GENERAL.—Subchapter IV of chapter 87 of
10 title 10, United States Code, is amended by inserting after
11 section 1746 the following new section:

12 **“§ 1746a. Acquisition workforce educational partner-**
13 **ships**

14 “(a) ESTABLISHMENT.—The Secretary of Defense,
15 acting through the Under Secretary of Defense for Acqui-
16 sition and Sustainment, shall establish a program within
17 Defense Acquisition University to—

18 “(1) facilitate the engagement of experts in in-
19 structional design from participants in the acquisi-
20 tion research organization established under section
21 2361a with the faculty of the Defense Acquisition
22 University to organize and adjust the curriculum of
23 the Defense Acquisition University, as appropriate,
24 to ensure that—

1 “(A) the curriculum accords with the edu-
2 cational framework commonly known as
3 Bloom’s taxonomy;

4 “(B) classes are composed of students
5 from diverse positions in the acquisition work-
6 force; and

7 “(C) higher level classes require students
8 to create solutions to operational challenges re-
9 lated to acquisition policy reform through
10 human-centered design projects;

11 “(2) in coordination with the Office of Human
12 Capital Initiatives, facilitate the retention of critical
13 members of the acquisition workforce by providing
14 academic advising with respect to classes offered by
15 the Defense Acquisition University to both members
16 of the acquisition workforce and the supervisors of
17 the members to ensure that each member takes the
18 classes that are suited to the experience level, posi-
19 tion, and professional development of such member;

20 “(3) partner with extramural institutions to
21 offer training to all members of the acquisition
22 workforce addressing operational challenges that af-
23 fect procurement decision-making, including training
24 on—

1 “(A) intellectual property and data rights
2 negotiations;

3 “(B) the effects of climate change and the
4 need to invest in mitigating such effects
5 throughout the full life cycle of a project;

6 “(C) partnering with contractors and other
7 suppliers to attract new companies with emerg-
8 ing technologies and to ensure supply chain re-
9 siliency; and

10 “(D) enabling rapid and efficient procure-
11 ment of technologies in a manner that permits
12 quick response to technological changes;

13 “(4) support the partnerships between the De-
14 partment of Defense and extramural institutions
15 with missions relating to the training and develop-
16 ment of members of the acquisition workforce;

17 “(5) accelerate the adoption of flexible con-
18 tracting techniques by the acquisition workforce by
19 expanding the availability of training on such tech-
20 niques and incorporating such training into the cur-
21 riculum of the Defense Acquisition University, in-
22 cluding partnering with extramural institutions to
23 expand the availability of training related to trans-
24 action authorities under sections 2371 and 2371b to
25 attorneys and technical specialists; and

1 “(6) enhance the reputation of the faculty of
2 the Defense Acquisition University by—

3 “(A) building partnerships between the
4 faculty of the Defense Acquisition University
5 and participants in the activity established
6 under section 2361a; and

7 “(B) supporting the preparation and draft-
8 ing of the reports required under subsection
9 (f)(2).

10 “(b) CURRICULUM ADJUSTMENTS.—Not later than
11 the date that is one year after the date of the enactment
12 of this section, the President of the Defense Acquisition
13 University shall reorganize and adjust the curriculum of
14 the Defense Acquisition University, as appropriate, to
15 comply with the criteria described in subparagraphs (A),
16 (B), and (C) of subsection (a)(1).

17 “(c) PROGRAM DIRECTOR OF STRATEGIC PARTNER-
18 SHIPS.—

19 “(1) ESTABLISHMENT.—There is established in
20 the Office of the President of the Defense Acquisi-
21 tion University the position of Program Director of
22 Strategic Partnerships.

23 “(2) DUTIES.—The Program Director of Stra-
24 tegic Partnerships shall establish, develop, and

1 maintain partnerships between the Defense Acquisi-
2 tion University and extramural institutions.

3 “(3) APPOINTMENT.—

4 “(A) IN GENERAL.—The President of the
5 Defense Acquisition University shall appoint the
6 Program Director of Strategic Partnerships.

7 “(B) INITIAL APPOINTMENT.—Not later
8 than 180 days after the enactment of this sec-
9 tion, the President of the Defense Acquisition
10 University shall appoint a Program Director of
11 Strategic Partnerships.

12 “(d) IMPLEMENTATION.—

13 “(1) SUPPORT FROM OTHER DEPARTMENT OF
14 DEFENSE ORGANIZATIONS.—The Secretary of De-
15 fense may direct other elements of the Department
16 of Defense to provide personnel, resources, and other
17 support to the program established under this sec-
18 tion, as the Secretary determines appropriate.

19 “(2) IMPLEMENTATION PLAN.—

20 “(A) IN GENERAL.—Not later than one
21 year after the date of the enactment of this sec-
22 tion, the President of the Defense Acquisition
23 University shall submit to the congressional de-
24 fense committees a plan for implementing the
25 program established under this section.

1 “(B) ELEMENTS.—The plan required
2 under subparagraph (A) shall include the fol-
3 lowing:

4 “(i) Plans that describe any support
5 that will be provided for the program by
6 other elements of the Department of De-
7 fense under paragraph (1).

8 “(ii) Plans for the implementation of
9 the program, including plans for—

10 “(I) future funding and adminis-
11 trative support of the program;

12 “(II) integration of the program
13 into the programming, planning,
14 budgeting, and execution process of
15 the Department of Defense;

16 “(III) integration of the program
17 with the other programs and initia-
18 tives within the Department relating
19 to innovation and outreach to the aca-
20 demic and the private sector; and

21 “(IV) performance indicators by
22 which the program will be assessed
23 and evaluated.

24 “(iii) A description of any additional
25 authorities the Secretary of Defense may

1 require to carry out the responsibilities
2 under this section.

3 “(e) FUNDING.—Subject to the availability of appro-
4 priations, the Under Secretary of Defense for Acquisition
5 and Sustainment may use amounts available in the De-
6 fense Acquisition Workforce and Development Account (as
7 established under section 1705) to carry out the require-
8 ments of this section.

9 “(f) ANNUAL REPORTS.—

10 “(1) IN GENERAL.—Not later than September
11 30, 2022, and annually thereafter, the President of
12 the Defense Acquisition University shall submit to
13 the Secretary of Defense and the congressional de-
14 fense committees a report describing the activities
15 conducted under this section during the one-year pe-
16 riod ending on the date on which such report is sub-
17 mitted.

18 “(2) FACULTY REPORTS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (C), not later than six months
21 after the date of the enactment of this section,
22 and not later than March 1 of each year there-
23 after, each individual employed by the Defense
24 Acquisition University as a full-time professor,
25 instructor, or lecturer and each group created

1 under subparagraph (B) shall submit to the
2 congressional defense committees a report on
3 the area of Federal acquisition expertise of such
4 individual or group, including—

5 “(i) developments in such area during
6 the one-year ending on the date on which
7 the report is submitted; and

8 “(ii) suggested legislative and regu-
9 latory reforms.

10 “(B) GROUP DETERMINATIONS.—The
11 President of the Defense Acquisition University
12 may group together individuals described in
13 subparagraph (A) that the President of the De-
14 fense Acquisition University determines to be
15 experts in the same or substantially overlapping
16 areas of Federal acquisition.

17 “(C) INDIVIDUAL REPORT EXCEPTION.—
18 Subparagraph (A) shall not apply with respect
19 to an individual that is a member of a group
20 created under subparagraph (B) for any year in
21 which such group submits a report under this
22 paragraph to which such individual contributed
23 as a member of such group.

24 “(g) EXEMPTION TO REPORT TERMINATION RE-
25 QUIREMENTS.—Section 1080(a) of the National Defense

1 Authorization Act for Fiscal Year 2016 (Public Law 114–
2 92; 129 Stat. 1000; 10 U.S.C. 111 note), as amended by
3 section 1061(j) of the National Defense Authorization Act
4 for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
5 2405; 10 U.S.C. 111 note), does not apply with respect
6 to the reports required to be submitted to Congress under
7 this section.

8 “(h) DEFINITIONS.—In this section:

9 “(1) ACQUISITION WORKFORCE.—The term ‘ac-
10 quisition workforce’ has the meaning given such
11 term in section 1705(g).

12 “(2) EXTRAMURAL INSTITUTIONS.—The term
13 ‘extramural institutions’ means participants in an
14 activity established under section 2361a, public sec-
15 tor organizations, and nonprofit credentialing orga-
16 nizations.

17 “(3) HUMAN-CENTERED DESIGN.—The term
18 ‘human-centered design’ means a solution to a prob-
19 lem that is based on a problem-solving approach
20 under which the individual or entity seeking to solve
21 the problem—

22 “(A) develops an understanding of the
23 problem primarily by interacting with individ-
24 uals who are experiencing the problem;

1 “(B) creates solutions to the problem that
2 are based on such understanding and which are
3 designed to address the needs of such individ-
4 uals with respect to the problem; and

5 “(C) involves such individuals in the devel-
6 opment and testing of such solutions.

7 “(4) NONPROFIT CREDENTIALING ORGANIZA-
8 TION.—The term ‘nonprofit credentialing organiza-
9 tion’ means a nonprofit organization that offers a
10 credentialing program that—

11 “(A) is accredited by a nationally-recog-
12 nized, third-party personnel certification pro-
13 gram accreditor;

14 “(B)(i) is sought or accepted by employers
15 within the industry or sector involved as a rec-
16 ognized, preferred, or required credential for re-
17 cruitment, screening, hiring, retention, or ad-
18 vancement purposes; and

19 “(ii) where appropriate, is endorsed
20 by a nationally-recognized trade association
21 or organization representing a significant
22 part of the industry or sector; or

23 “(C) meets credential standards of a Fed-
24 eral agency.

1 “(5) TECHNICAL SPECIALIST.—The term ‘tech-
2 nical specialist’ means an individual who is author-
3 ized by the Secretary of Defense or a Secretary of
4 a military department to enter into agreements
5 under the authority of section 2371 or 2371b and is
6 not otherwise authorized to enter into procurement
7 contracts or cooperative agreements.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for subchapter IV of chapter 87 of title 10, United States
10 Code, is amended by inserting after the item relating to
11 section 1746 the following new item:

 “1746a. Acquisition workforce educational partnerships.”.

12 **SEC. 802. SPECIAL EMERGENCY REIMBURSEMENT AUTHOR-**
13 **ITY.**

14 (a) IN GENERAL.—Subchapter II of chapter 134 of
15 title 10, United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 2265. Special emergency reimbursement authority**

18 “(a) SPECIAL EMERGENCY REIMBURSEMENT AU-
19 THORITY.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law, the Secretary of Defense may, in
22 accordance with paragraph (2) and subsection (c),
23 modify the terms and conditions of a covered con-
24 tract, without consideration, to reimburse a con-
25 tractor for the cost of any paid leave, including sick

1 leave, that such contractor provides to the employees
2 of such contractor or employees of subcontractors
3 (at any tier) of such contractor in response to a cov-
4 ered emergency to keep such employees or sub-
5 contractors in a ready state with respect to such cov-
6 ered contract.

7 “(2) REIMBURSEMENT REQUIREMENTS.—

8 “(A) ELIGIBLE EMPLOYEE AND SUB-
9 CONTRACT COSTS.—Reimbursements under this
10 subsection may be made only with respect to
11 employees of a contractor or employees of sub-
12 contractors (at any tier) of a contractor which,
13 for the relevant covered contract—

14 “(i) are unable to perform work on a
15 covered site due to facility closures or
16 other restrictions; and

17 “(ii) cannot telework because the du-
18 ties of such employee or contractor cannot
19 be performed remotely.

20 “(B) AVERAGE HOURS.—The number of
21 hours of paid leave for which the cost may be
22 reimbursement under this subsection may not
23 exceed an average of 40 hours per week per em-
24 ployee described in subparagraph (A).

1 “(C) BILL RATE.—The minimum applica-
2 ble contract billing rate under the relevant cov-
3 ered contract shall be used to calculate reim-
4 bursements under this subsection.

5 “(b) ENHANCED REIMBURSEMENT FOR SMALL BUSI-
6 NESS CONTRACTORS.—

7 “(1) IN GENERAL.—In addition to any reim-
8 bursement under subsection (a), the Secretary of
9 Defense may, in accordance with paragraph (2) and
10 subsection (c), modify the terms and conditions of a
11 covered contract, without consideration, to reimburse
12 a small business contractor for costs, other than
13 costs reimbursable under subsection (a), that are di-
14 rect costs of a covered emergency with respect to
15 which reimbursement is permitted under subsection
16 (a).

17 “(2) LIMITATIONS.—The Secretary of Defense
18 may reimburse a small business contractor under
19 this subsection to the extent that the relevant con-
20 tracting officer determines in writing that—

21 “(A) such reimbursement is necessary to
22 ensure the continuation of contractor perform-
23 ance during, or the resumption of contractor
24 performance after, the covered emergency;

1 “(B) the small business contractor miti-
2 gated the costs that may be reimbursed under
3 this subsection to the extent practicable; and

4 “(C) it is in the best interest of the United
5 States to reimburse such costs.

6 “(c) REIMBURSEMENT CONDITIONS.—

7 “(1) COST IDENTIFICATION.—A cost is eligible
8 for reimbursement under subsection (a) or (b) only
9 if the relevant contracting officer determines that
10 the records of the contractor to identify such cost as
11 a cost described in either such subsection such that
12 such contracting officer may audit such cost.

13 “(2) OTHER FEDERAL BENEFIT OFFSET.—

14 “(A) IN GENERAL.—Any reimbursement
15 under subsection (a) or (b) shall be reduced by
16 an amount equal to the total amount of any
17 other Federal payment, allowance, or tax or
18 other credit received for a cost that is reimburs-
19 able under such subsection.

20 “(B) NOTIFICATION.—A contractor that
21 receives a payment, allowance, or credit de-
22 scribed in subparagraph (A) for a cost which
23 such contractor seeks reimbursement under
24 subsection (a) or (b) shall submit to the rel-

1 evant contracting officer a notice of the receipt
2 of such payment, allowance, or credit—

3 “(i) prior to the execution of a con-
4 tract modification providing such reim-
5 bursement; and

6 “(ii) not later than 30 days after such
7 receipt.

8 “(C) POST REIMBURSEMENT.—A con-
9 tractor that receives a payment, allowance, or
10 credit described in subparagraph (A) for a cost
11 after the execution of a contract modification
12 under subsection (a) or (b) reimbursing such
13 cost, or that is unable to provide the notice re-
14 quired under subparagraph (B) in accordance
15 with clause (i) of such subparagraph, shall—

16 “(i) not later than 30 days after the
17 receipt of the payment, allowance, or cred-
18 it, notify the relevant contracting officer in
19 writing of such receipt; and

20 “(ii) agree to execute a contract modi-
21 fication to reduce the amount reimbursed
22 under subsections (a) and (b) by the
23 amount of such payment, allowance, or
24 credit.

1 “(3) APPROPRIATIONS AVAILABILITY.—Reim-
2 bursements under subsections (a) and (b) shall be
3 subject to the availability of appropriations.

4 “(d) COST ACCOUNTING STANDARDS.—For the pur-
5 poses of this section, a cognizant Federal agency official
6 shall provide a contractor subject to the cost accounting
7 standards issued pursuant to section 1502 of title 41 and
8 required to submit one or more disclosure statements, a
9 reasonable opportunity to amend any such disclosure
10 statements to reflect any costs that are reimbursable
11 under subsection (a).

12 “(e) DEFINITIONS.—In this section:

13 “(1) COGNIZANT FEDERAL AGENCY OFFI-
14 CIAL.—The term ‘cognizant Federal agency official’
15 has the meaning given such term in section 30.001
16 of title 48, Code of Federal Regulations.

17 “(2) COVERED CONTRACT.—The term ‘covered
18 contract’ means any contract, including a fixed-price
19 or cost-reimbursement contract, or any other agree-
20 ment for the procurement of goods or services by or
21 for the Department of Defense.

22 “(3) COVERED EMERGENCY.—The term ‘cov-
23 ered emergency’ means a declared pandemic which
24 prevents the employees of a contractor of the De-
25 partment of Defense or the employees of a subcon-

1 tractor (at any tier) of such a contractor from per-
2 forming work under a covered contract, as deter-
3 mined by the Secretary.

4 “(4) COVERED SITE.—The term ‘covered site’
5 means any government-owned, government-leased,
6 contractor-owned, or contractor-leased facility ap-
7 proved by the Federal Government for contract per-
8 formance.

9 “(5) DISCLOSURE STATEMENT.—The term ‘dis-
10 closure statement’ means a Disclosure Statement de-
11 scribed in section 9903.202–1(a) of title 48, Code of
12 Federal Regulations.

13 “(6) MINIMUM APPLICABLE CONTRACT BILLING
14 RATE.—The term ‘minimum applicable contract bill-
15 ing rate’ means a rate capturing the financial im-
16 pact incurred as a consequence of keeping the em-
17 ployees of a contractor or employees of subcontrac-
18 tors (at any tier) of a contractor in a ready state,
19 including the base hourly pay rate of such employees
20 and employees of such subcontractors, indirect costs,
21 general and administrative expenses, and other rel-
22 evant costs.

23 “(7) READY STATE.—The term ‘ready state’
24 means able to mobilize in a timely manner to per-
25 form under a covered contract.

1 “(8) SMALL BUSINESS CONTRACTOR.—The
2 term ‘small business contractor’ means a contractor
3 for a covered contract that is a small business con-
4 cern (as such term is defined under section 3 of the
5 Small Business Act (15 U.S.C. 632)).”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for subchapter II of chapter 134 of title 10, United States
8 Code, is amended by adding at the end the following new
9 item:

“2265. Special emergency reimbursement authority.”.

10 **SEC. 803. PROHIBITION ON PROCUREMENT OF PERSONAL**
11 **PROTECTIVE EQUIPMENT FROM NON-ALLIED**
12 **FOREIGN NATIONS.**

13 (a) PROHIBITION.—

14 (1) IN GENERAL.—Chapter 137 of title 10,
15 United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 2339d. Prohibition on procurement of personal**
18 **protective equipment and certain other**
19 **items from non-allied foreign nations**

20 “(a) IN GENERAL.—Except as provided in subsection
21 (c), the Secretary of Defense may not procure any covered
22 item from any covered nation.

23 “(b) APPLICABILITY.—Subsection (a) shall apply to
24 prime contracts and subcontracts at any tier.

25 “(c) EXCEPTIONS.—

1 “(1) IN GENERAL.—Subsection (a) does not
2 apply under the following circumstances:

3 “(A) If the Secretary of Defense deter-
4 mines that covered materials of satisfactory
5 quality and quantity, in the required form, can-
6 not be procured as and when needed from na-
7 tions other than covered nations to meet re-
8 quirements at a reasonable price.

9 “(B) The procurement of a covered item
10 for use outside of the United States.

11 “(C) Purchases for amounts not greater
12 than \$150,000.

13 “(2) LIMITATION.—A proposed purchase or
14 contract for an amount greater than \$150,000 may
15 not be divided into several purchases or contracts for
16 lesser amounts in order to qualify for this exception.

17 “(d) DEFINITIONS.—In this section:

18 “(1) COVERED ITEM.—The term ‘covered item’
19 means an article or item of—

20 “(A) personal protective equipment for use
21 in preventing spread of communicable disease,
22 such as by exposure to infected individuals or
23 contamination or infection by infectious mate-
24 rial (including surgical masks, respirator masks
25 and electric-powered air purifying respirators

1 and required filters, face shields and protective
2 eyewear, surgical and isolation gowns, and head
3 and foot coverings) or clothing, and the mate-
4 rials and components thereof, other than sen-
5 sors, electronics, or other items added to and
6 not normally associated with such personal pro-
7 tective equipment or clothing; or

8 “(B) sanitizing and disinfecting wipes,
9 testing swabs, gauze, and bandages.

10 “(2) COVERED NATION.—The term ‘covered na-
11 tion’ means—

12 “(A) the Democratic People’s Republic of
13 North Korea;

14 “(B) the People’s Republic of China;

15 “(C) the Russian Federation; and

16 “(D) the Islamic Republic of Iran.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of such chapter is amended
19 by inserting after the item relating to section 2339c
20 the following:

“2339d. Prohibition on procurement of personal protective equipment and cer-
tain other items from non-allied foreign nations.”.

21 (b) FUTURE TRANSFER.—

22 (1) TRANSFER AND REDESIGNATION.—Section
23 2339d of title 10, United States Code, as added by
24 subsection (a), is transferred to subchapter I of

1 chapter 283 of such title, added after section 3881,
2 as transferred and redesignated by section 1837(b)
3 of the William M. (Mac) Thornberry National De-
4 fense Authorization Act for Fiscal Year 2021 (Pub-
5 lic Law 116–283), and redesignated as section 3882.

6 (2) CLERICAL AMENDMENTS.—

7 (A) TARGET CHAPTER TABLE OF SEC-
8 TIONS.—The table of sections at the beginning
9 of chapter 283 of title 10, United States Code,
10 as added by section 1837(a) of the William M.
11 (Mac) Thornberry National Defense Authoriza-
12 tion Act for Fiscal Year 2021 (Public Law
13 116–283), is amended by inserting after the
14 item related to section 3881 the following new
15 item:

“3882. Prohibition on procurement of personal protective equipment and certain
other items from non-allied foreign nations.”.

16 (B) ORIGIN CHAPTER TABLE OF SEC-
17 TIONS.—The table of sections at the beginning
18 of chapter 137 of title 10, United States Code,
19 as amended by subsection (a), is further
20 amended by striking the item relating to section
21 2339d.

22 (3) EFFECTIVE DATE.—The transfer, redesign-
23 nation, and amendments made by this subsection
24 shall take effect on January 1, 2022.

1 (4) REFERENCES; SAVINGS PROVISION; RULE
2 OF CONSTRUCTION.—Sections 1883 through 1885 of
3 the William M. (Mac) Thornberry National Defense
4 Authorization Act for Fiscal Year 2021 (Public Law
5 116–283) shall apply with respect to the transfers,
6 redesignations, and amendments made under this
7 subsection as if such transfers, redesignations, and
8 amendments were made under title XVIII of such
9 Act.

10 **SEC. 804. MINIMUM WAGE FOR EMPLOYEES OF DEPART-**
11 **MENT OF DEFENSE CONTRACTORS.**

12 (a) IN GENERAL.—

13 (1) MINIMUM WAGE FOR EMPLOYEES OF DE-
14 PARTMENT OF DEFENSE CONTRACTORS.—Chapter
15 141 of title 10, United States Code is amended by
16 inserting after section 2402 the following new sec-
17 tion:

18 **“§ 2403. Minimum wage for employees of Department**
19 **of Defense contractors**

20 “(a) IN GENERAL.—Notwithstanding section 6 of the
21 Fair Labor Standards Act of 1938 (29 U.S.C. 206), an
22 employee of a Department of Defense contractor per-
23 forming a covered contract who is paid at an hourly rate
24 shall be paid a minimum wage as follows:

1 “(1) Beginning January 30, 2022, \$15.00 an
2 hour.

3 “(2) Beginning January 1, 2023, at a minimum
4 wage determined annually by the Secretary, except
5 such wage may not be less than \$15.00 an hour.

6 “(b) COVERED CONTRACT DEFINED.—In this sec-
7 tion, the term ‘covered contract’ means a contract or other
8 agreement entered into on or after January 30, 2022,
9 that—

10 “(1) is for the procurement of services or con-
11 struction; and

12 “(2) with respect to which wages under such
13 contract or other agreement are subject to—

14 “(A) the Fair Labor Standards Act of
15 1938 (29 U.S.C. 201 et seq.);

16 “(B) section 6702 of title 41; or

17 “(C) subchapter IV of chapter 31 of title
18 40 (known as the ‘Davis-Bacon Act’).”.

19 “(2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of such chapter is amended
21 by inserting after the item relating to section 2042
22 the following new item:

“2403. Minimum wage for employees of Department of Defense contractors.”.

23 “(b) RULEMAKING.—Not later than January 30,
24 2022, the Secretary of Defense shall issue rules to carry

1 out the requirement of section 2403 of title 10, United
2 States Code, as added by subsection (a).

3 **SEC. 805. DIVERSITY AND INCLUSION REPORTING RE-**
4 **QUIREMENTS FOR COVERED CONTRACTORS.**

5 (a) IN GENERAL.—Subchapter V of chapter 325 of
6 title 10, United States Code, is amended by inserting after
7 section 4892 the following new section:

8 **“§ 4893. Diversity and inclusion reporting require-**
9 **ments for covered contractors**

10 “(a) COVERED CONTRACTOR REPORTS.—

11 “(1) IN GENERAL.—The Secretary of Defense
12 shall require each covered contractor awarded a
13 major contract to submit to the Secretary of Defense
14 by the last day of each full fiscal year that occurs
15 during the period of performance of any major con-
16 tract a report on diversity and inclusion.

17 “(2) ELEMENTS.—Each report under para-
18 graph (1) shall include, for the fiscal year covered by
19 the report—

20 “(A) a description of each major contract
21 with a period of performance during the fiscal
22 year covered by the report, including the period
23 of performance, expected total value, and value
24 to date of each major contract;

1 “(B) the total value of payments received
2 under all major contracts of each covered con-
3 tractor during such fiscal year;

4 “(C) the total number of participants in
5 the board of directors of each covered con-
6 tractor, nominees for the board of directors of
7 the covered contractor, and the senior leaders of
8 the covered contractor, disaggregated by demo-
9 graphic classifications;

10 “(D) with respect to employees of each
11 covered contractor—

12 “(i) the total number of such employ-
13 ees; and

14 “(ii) the number of such employees
15 (expressed as a numeral and as a percent-
16 age of the total number), identified by
17 membership in demographic classification
18 and major occupational group;

19 “(E) the value of first-tier subcontracts
20 under each major contract entered into during
21 such fiscal year;

22 “(F) with respect to employees of each cov-
23 ered subcontractor—

24 “(i) the total number of such employ-
25 ees;

1 “(ii) the number of such employees
2 (expressed as a numeral and as a percent-
3 age of the total number), identified by
4 membership in demographic classification
5 and major occupational group;

6 “(G) whether the board of directors of the
7 covered contractor has, as of the date on which
8 the covered contractor submits a report under
9 this section, adopted any policy, plan, or strat-
10 egy to promote racial, ethnic, and gender diver-
11 sity among the members of the board of direc-
12 tors of the covered contractor, nominees for the
13 board of directors of the covered contractor, or
14 the senior leaders of the covered contractor; and

15 “(H) a description of participation by the
16 contractor in diversity programs, to include
17 hours spent, funds expended in support of, and
18 the number of unique relationships established
19 by each such diversity program.

20 “(b) ANNUAL SUMMARY REPORT.—

21 “(1) REPORT REQUIRED.—Not later than 60
22 days after the first day of each fiscal year, the Sec-
23 retary shall submit to the congressional defense com-
24 mittees a report summarizing the reports submitted
25 pursuant to subsection (a).

1 “(2) ELEMENTS.—Each report under para-
2 graph (1) shall include—

3 “(A) an index of the reports submitted
4 pursuant to subsection (a);

5 “(B) a compilation of the data described in
6 such subsection, disaggregated as described in
7 such subsection;

8 “(C) an aggregation of the data provided
9 in such reports; and

10 “(D) a narrative that analyzes the infor-
11 mation disclosed in such reports and identifies
12 any year-to-year trends in such information.

13 “(c) PUBLIC AVAILABILITY.—Each report required
14 under this subsection shall be posted on a single publicly
15 available website of the Department of Defense and made
16 available in a machine-readable format that is
17 downloadable, searchable, and sortable.

18 “(d) DEFINITIONS.—In this section:

19 “(1) COVERED CONTRACTOR.—The term ‘cov-
20 ered contractor’ means a contractor awarded a
21 major contract.

22 “(2) COVERED SUBCONTRACTOR.—The term
23 ‘covered subcontractor’ means a subcontractor per-
24 forming a subcontract that is one of the 10 highest

1 aggregate value subcontracts under a major con-
2 tract.

3 “(3) DEMOGRAPHIC CLASSIFICATIONS.—The
4 term ‘demographic classifications’ means classifica-
5 tions by race, gender, veteran status, or ethnicity.

6 “(4) DIVERSITY PROGRAM.—The term ‘diver-
7 sity program’ means—

8 “(A) a program conducted under section
9 3904 of this title;

10 “(B) a mentor-protege relationship estab-
11 lished under section 831 of the National De-
12 fense Authorization Act for Fiscal Year 1991;

13 “(C) a program conducted under section
14 2192a of this title; or

15 “(D) any other program designated by the
16 Secretary of Defense as designed to increase
17 the diversity of the workforce of the defense in-
18 dustrial base.

19 “(5) MAJOR CONTRACT.—The term ‘major con-
20 tract’ has the meaning given the term in section
21 2432 of this title.

22 “(6) MAJOR OCCUPATIONAL GROUP.—The term
23 ‘major occupational group’ means a major occupa-
24 tional group as defined by the Bureau of Labor Sta-
25 tistics.

1 “(7) SENIOR LEADER.—The term ‘senior lead-
2 er’ means—

3 “(A) the president of a covered contractor;

4 “(B) any vice president in charge of a
5 principal business unit, division, or function of
6 a covered contractor;

7 “(C) any other officer of a covered con-
8 tractor who performs a policy-making function;
9 or

10 “(D) an individual responsible for the di-
11 rect or indirect management of more than 200
12 individuals.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for subchapter V of chapter 325 of title 10, United States
15 Code, is amended by adding after the item related to sec-
16 tion 4892 the following:

“4893. Diversity and inclusion reporting requirements for covered contractors.”.

17 (c) EFFECTIVE DATE AND APPLICABILITY.—The
18 amendments made by this section shall take effect on July
19 1, 2022, and shall apply with respect to contracts entered
20 into on or after July 1, 2022.

21 **SEC. 806. WEBSITE FOR CERTAIN DOMESTIC PROCURE-**
22 **MENT WAIVERS.**

23 (a) IN GENERAL.—Section 4814 of title 10, United
24 States Code, as transferred and redesignated by section
25 1867(b) of the National Defense Authorization Act for

1 Fiscal Year 2021 (Public Law 116–283), is amended by
2 adding at the end the following new subsection:

3 “(c) WEBSITE REQUIRED.—Not later than 18
4 months after the date of the enactment of this subsection,
5 the Secretary of Defense shall establish and maintain a
6 single publicly available website for the purpose of pub-
7 lishing the information required by subsection (a)(5).”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on January 1, 2022.

10 **SEC. 807. SUSPENSION OR DEBARMENT REFERRAL FOR**
11 **EGREGIOUS VIOLATIONS OF CERTAIN DO-**
12 **MESTIC PREFERENCE LAWS.**

13 (a) IN GENERAL.—A contracting officer shall refer
14 to the appropriate suspension or debarment official any
15 current or former contractor of the Department of De-
16 fense if such contracting officer reasonably believes that
17 such contractor has egregiously violated any covered do-
18 mestic preference law.

19 (b) EGREGIOUS VIOLATION DETERMINATION.—For
20 the purposes of this section, a contractor egregiously vio-
21 lates a covered domestic preference law when—

22 (1) such contractor knowingly or willfully uses
23 or provides goods, articles, materials, or supplies in
24 violation of a covered domestic preference law; and

1 (2) such violation, individually or in the aggre-
2 gate with other violations of domestic preference
3 laws by such contractor, is severe (including through
4 the effects, dollar value, or frequency, or any com-
5 bination thereof, of such violations).

6 (c) DEBARMENT OR SUSPENSION BASIS.—An egre-
7 gious violation of a covered domestic preference law by a
8 contractor may be a basis for suspension or debarment
9 of the contractor.

10 (d) SAFE HARBOR.—The use or provision of goods,
11 articles, materials, or supplies by a contractor in violation
12 of a covered domestic preference law may not be consid-
13 ered such a violation for the purposes of a determining
14 whether such contractor has egregiously violated any cov-
15 ered domestic preference law if such contractor reasonably
16 acted in good-faith reliance on—

17 (1) a written waiver from an individual who is
18 permitted by law or regulation to waive the covered
19 domestic preference law; or

20 (2) a representation by a third party about the
21 origin of such goods, articles, materials, or supplies.

22 (e) COVERED DOMESTIC PREFERENCE LAW DE-
23 FINED.—In this section, the term “covered domestic pref-
24 erence law” means any provision of section 2533a or
25 2533b of title 10, United States Code, or chapter 83 of

1 title 41 of such Code that requires or creates a preference
2 for the procurement of goods, articles, materials, or sup-
3 plies, that are grown, mined, reprocessed, reused, manu-
4 factured, or produced in the United States.

5 **Subtitle B—Amendments to Gen-**
6 **eral Contracting Authorities,**
7 **Procedures, and Limitations**

8 **SEC. 811. EXTENSION OF AUTHORIZATION FOR THE DE-**
9 **FENSE CIVILIAN ACQUISITION WORKFORCE**
10 **PERSONNEL DEMONSTRATION PROJECT.**

11 Section 1762(g) of title 10, United States Code, is
12 amended by striking “2023” and inserting “2025”.

13 **SEC. 812. MODIFICATIONS TO CONTRACTS SUBJECT TO**
14 **COST OR PRICING DATA CERTIFICATION.**

15 Section 2306a(a)(6) of title 10, United States Code,
16 is amended—

17 (1) by striking “Upon the request” and all that
18 follows through “paragraph (1)” and inserting
19 “Under paragraph (1),”; and

20 (2) by striking “modify the contract” and all
21 that follows through “consideration.” and inserting
22 “modify the contract as soon as practicable to reflect
23 subparagraphs (B) and (C) of such paragraph, with-
24 out requiring consideration.”.

1 **SEC. 813. OFFICE OF CORROSION POLICY AND OVERSIGHT**
2 **EMPLOYEE TRAINING REQUIREMENTS.**

3 Section 2228 of title 10, United States Code, is
4 amended—

5 (1) in subsection (b), by adding at the end the
6 following new paragraph:

7 “(6) To the greatest extent practicable, the Di-
8 rector shall ensure that contractors of the Depart-
9 ment of Defense carrying out activities for the pre-
10 vention and mitigation of corrosion of the military
11 equipment and infrastructure of the Department of
12 Defense employ for such activities a substantial
13 number of individuals who have completed, or who
14 are currently enrolled in, a qualified training pro-
15 gram that meets industry-wide recognized corrosion
16 control standards.”;

17 (2) in subsection (c)—

18 (A) in paragraph (2), by striking “; and”
19 and inserting a semicolon;

20 (B) in paragraph (3), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (C) by adding at the end the following new
23 paragraph:

24 “(4) require that any training or professional
25 development activities for military personnel or civil-
26 ian employees of the Department of Defense for the

1 prevention and mitigation of corrosion of the mili-
2 tary equipment and infrastructure of the Depart-
3 ment of Defense be under a qualified training pro-
4 gram such that, to the greatest extent practicable,
5 the military personnel or civilian employees partici-
6 pating in such qualified training program are
7 trained and certified by the qualified training pro-
8 gram as meeting industry-wide recognized corrosion
9 control standards.”; and

10 (3) in subparagraph (f), by adding at the end
11 the following new paragraph:

12 “(6) The term ‘qualified training program’
13 means a training program in corrosion control, miti-
14 gation, and prevention that is either—

15 “(A) offered or accredited by an organiza-
16 tion that sets industry corrosion standards; or

17 “(B) an industrial coatings applicator
18 training program registered under the Act of
19 August 16, 1937 (popularly known as the ‘Na-
20 tional Apprenticeship Act’; 29 U.S.C. 50 et
21 seq.).”.

1 **SEC. 814. STANDARD GUIDELINES FOR EVALUATION OF RE-**
2 **QUIREMENTS FOR SERVICES CONTRACTS.**

3 (a) INCLUSION OF INVENTORY AND STANDARD
4 GUIDELINES IN BUDGET REQUEST.—Section 2329 of title
5 10, United States Code, is amended—

6 (1) in subsection (b)—

7 (A) in the matter preceding paragraph (1),
8 by striking “Effective October 1, 2021,” and
9 inserting “Effective February 1, 2022,”;

10 (B) by amending paragraph (4) to read as
11 follows:

12 “(4) be informed by the review the inventory re-
13 quired by section 2330a(c) using standard guidelines
14 developed under subsection (d).”; and

15 (C) in paragraph (5), by inserting “, ex-
16 cept with respect to information on services
17 contracts in support of contingency operations,
18 humanitarian assistance, disaster relief, in sup-
19 port of a national security emergency declared
20 with respect to a named operation, or entered
21 into pursuant to an international agreement
22 shall be excluded from such submission” before
23 the period at the end;

24 (2) by striking subsection (f); and

25 (3) redesignating subsection (g) as subsection
26 (f).

1 (b) STANDARD GUIDELINES.—Section 2329(d) of
2 title 10, United States Code, is amended—

3 (1) by striking “Each Services Requirements
4 Review Board” and inserting “(1) Each Services Re-
5 quirements Review Board”; and

6 (2) by adding at the end the following new
7 paragraph:

8 “(2) The Secretary of Defense shall establish and
9 issue standard guidelines within the Department of De-
10 fense for the evaluation of requirements for services con-
11 tracts. Any such guidelines issued—

12 “(A) shall be based on the checklist relating to
13 services contract approval established and in use by
14 the Department of the Army (as set forth in the re-
15 quest for services contract approval form updated as
16 of August 2012, or any successor form); and

17 “(B) shall be updated as necessary to incor-
18 porate applicable statutory changes to total force
19 management policies and procedures and any other
20 guidelines or procedures relating to the use Depart-
21 ment of Defense civilian employees to perform new
22 functions and functions that are performed by con-
23 tractors.

24 “(3) A general or flag officer, or a civilian employee
25 of the Department of Defense in the Senior Executive

1 Service, with responsibility for supervising requirements
2 owners shall certify—

3 “(A) that a task order or statement of work
4 being submitted to a contracting office is in compli-
5 ance with the standard guidelines;

6 “(B) that all appropriate statutory risk mitiga-
7 tion efforts have been made; and

8 “(C) that such task order or statement of work
9 does not include requirements formerly performed by
10 Department of Defense civilian employees.

11 “(4) A general or flag officer, or a civilian employee
12 of the Department of Defense in the Senior Executive
13 Service may not delegate the duties described in para-
14 graph (3) to an officer in a grade below O–7 (or a civilian
15 employee of the Department of Defense at or below grade
16 GS–15 of the General Schedule) without authorization
17 from the Assistant Secretary of the Department of De-
18 fense concerned.

19 “(5) The Inspector General of the Department of De-
20 fense may conduct annual audits to ensure compliance
21 with this section.”.

22 (c) REPEALS.—

23 (1) Section 235 of title 10, United States Code,
24 is repealed.

1 (2) Section 852 of the National Defense Au-
2 thorization Act for Fiscal Year 2018 (Public Law
3 115–91; 131 Stat. 1492; 10 U.S.C. 2329 note) is re-
4 pealed.

5 **SEC. 815. EXTENSION OF REQUIREMENT TO SUBMIT SE-**
6 **LECTED ACQUISITION REPORTS.**

7 (a) REPEAL OF TERMINATION.—Section 2432 of title
8 10, United States Code, is amended by striking subsection
9 (j).

10 (b) REPEAL OF TERMINATION OF CERTAIN ADDI-
11 TIONAL REPORTS.—Section 1051(x) of the National De-
12 fense Authorization Act for Fiscal Year 2018 (Public Law
13 115–91; 131 Stat. 1567; 10 U.S.C. 111 note) is amended
14 by striking paragraph (4).

15 **SEC. 816. LIMITATION ON PROCUREMENT OF WELDED**
16 **SHIPBOARD ANCHOR AND MOORING CHAIN**
17 **FOR NAVAL VESSELS.**

18 Section 2534 of title 10, United States Code, is
19 amended—

20 (1) in subsection (a)(2), by adding at the end
21 the following new subparagraph:

22 “(F) Welded shipboard anchor and moor-
23 ing chain.”; and

24 (2) in subsection (b)—

1 (A) by striking “A manufacturer” and in-
2 serting “(1) Except as provided in paragraph
3 (2), a manufacturer”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(2) A manufacturer of welded shipboard anchor and
7 mooring chain for naval vessels meets the requirements
8 of this subsection if the manufacturer is part of the na-
9 tional technology and industrial base.”.

10 **SEC. 817. COMPETITION REQUIREMENTS FOR PURCHASES**
11 **FROM FEDERAL PRISON INDUSTRIES.**

12 (a) **COMPETITION REQUIREMENTS FOR PURCHASES**
13 **FROM FEDERAL PRISON INDUSTRIES.**—Section 3905 of
14 title 10, United States Code, as transferred and redesi-
15 gnated by section 1838(b) of the National Defense Author-
16 ization Act for Fiscal Year 2021 (Public Law 116–283),
17 is amended by striking subsections (a) and (b) and insert-
18 ing the following new subsections:

19 “(a) **MARKET RESEARCH.**—Before purchasing a
20 product listed in the latest edition of the Federal Prison
21 Industries catalog published under section 4124(d) of title
22 18, the Secretary of Defense shall conduct market re-
23 search to determine whether such product—

24 “(1) is comparable to products available from
25 the private sector; and

1 “(2) best meets the needs of the Department of
2 Defense in terms of price, quality, and time of deliv-
3 ery.

4 “(b) **COMPETITION REQUIREMENT.**—If the Secretary
5 determines that a Federal Prison Industries product is not
6 comparable to products available from the private sector
7 and does not best meet the needs of the Department of
8 Defense in terms of price, quality, or time of delivery, the
9 Secretary shall use competitive procedures or make an in-
10 dividual purchase under a multiple award contract for the
11 procurement of the product. In conducting such a competi-
12 tion or making such a purchase, the Secretary shall con-
13 sider a timely offer from Federal Prison Industries.”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 subsection (a) shall take effect on February 1, 2022.

16 **SEC. 818. REPEAL OF PREFERENCE FOR FIXED-PRICE CON-**
17 **TRACTS.**

18 (a) **REPEAL.**—Section 829 of the National Defense
19 Authorization Act for Fiscal Year 2017 (10 U.S.C. 2306
20 note) is repealed.

21 (b) **CONFORMING AMENDMENT.**—Chapter 242 of
22 title 10, United States Code, as amended by section
23 1817(a) of the William M. (Mac) Thornberry National De-
24 fense Authorization Act for Fiscal Year 2021 (Public Law
25 116–283) is amended—

1 (1) in table of contents for such chapter, by
2 striking the item relating to section 3324; and

3 (2) by striking the enumerator, section heading,
4 and subsequent matter relating to section 3324.

5 **SEC. 819. MODIFICATION TO THE PILOT PROGRAM FOR**
6 **STREAMLINING AWARDS FOR INNOVATIVE**
7 **TECHNOLOGY PROJECTS.**

8 (a) EXTENSION.—Section 873(f) of the National De-
9 fense Authorization Act for Fiscal Year 2016 (Public Law
10 114–92; 10 U.S.C. 2306a note) is amended by striking
11 “October 1, 2022” and inserting “October 1, 2024”.

12 (b) RECOMMENDATION ON EXTENSION.—

13 (1) IN GENERAL.—Not later than April 1,
14 2023, the Secretary of Defense shall submit to the
15 congressional defense committees a recommendation
16 regarding the extension of the pilot program for
17 streamlining awards for innovative technology
18 projects established under section 873(f) of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 2016 (Public Law 114–92; 10 U.S.C. 2306a note),
21 and if applicable, the duration of any such extension.

22 (2) DATA ON EXTENSION.—If the Secretary of
23 Defense recommends an extension of the pilot pro-
24 gram under paragraph (1), not later than 60 days
25 after making such recommendation, the Secretary

1 shall submit to the congressional defense committees
2 a report on the outcomes of the pilot program, in-
3 cluding—

4 (A) the number of small business concerns
5 (as defined under section 3 of the Small Busi-
6 ness Act (15 U.S.C. 632)) or nontraditional de-
7 fense contractors (as defined under section
8 2302 of title 10, United States Code) that ben-
9 efit from the implementation of the pilot
10 program;

11 (B) the number of small business concerns
12 that would not have entered into a contract
13 with the Department of Defense but for the im-
14 plementation of the pilot program; and

15 (C) a description of the goods and services
16 acquired by the Department through the pilot
17 program that otherwise would not have been ac-
18 quired.

19 **SEC. 820. OTHER TRANSACTION AUTHORITY INFORMATION**
20 **ACCESSIBILITY.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Under Secretary of Defense for Ac-
23 quisition & Sustainment shall submit to the congressional
24 defense committees recommendations for making data on
25 the exercise of the authorities provided under sections

1 2371 or 2371b of title 10, United States Code, more ac-
2 cessible to the public and improving the reporting of such
3 information, including recommendations for—

4 (1) reducing data reporting requirements to the
5 minimum necessary to identify—

6 (A) with respect to a transaction under ei-
7 ther such section—

8 (i) the participants to the transaction
9 (other than the Federal Government), in-
10 cluding each business selected to perform
11 work under the transaction by a partici-
12 pant to the transaction that is a consor-
13 tium of private entities;

14 (ii) the date on which each participant
15 entered into the transaction; and

16 (iii) the amount of the transaction;
17 and

18 (B) with respect to a follow-on contract or
19 transaction awarded under section 2371b of
20 title 10, United States Code—

21 (i) the awardee;

22 (ii) the amount; and

23 (iii) the date awarded.

24 (2) a method for collecting such information in
25 an online, public, searchable database.

1 **SEC. 821. MODIFICATION OF ENHANCED TRANSFER OF**
2 **TECHNOLOGY DEVELOPED AT DEPARTMENT**
3 **OF DEFENSE LABORATORIES.**

4 Section 801(e) of the National Defense Authorization
5 Act for Fiscal Year 2014 (10 U.S.C. 2514 note) is amend-
6 ed—

7 (1) by redesignating subsection (e) as sub-
8 section (f);

9 (2) by striking subsection (d) and inserting the
10 following new subsections:

11 “(d) DATA COLLECTION.—The Secretary of Defense
12 shall develop and implement a plan to collect and analyze
13 data on the use of authority under this section for the
14 purposes of—

15 “(1) developing and sharing best practices; and

16 “(2) providing information to the Secretary of
17 Defense and Congress on the use of authority under
18 this section and related policy issues.

19 “(e) REPORT.—The Secretary of Defense shall sub-
20 mit a report to the congressional defense committees not
21 later than December 31, 2025.”; and

22 (3) in subsection (f) (as so redesignated), by
23 striking “December 31, 2021” and inserting “De-
24 cember 31, 2026”.

1 **SEC. 822. EXTENSION AND REVISIONS TO NEVER CON-**
2 **TRACT WITH THE ENEMY PROGRAM.**

3 (a) IN GENERAL.—Section 841 of the Carl Levin and
4 Howard P. “Buck” McKeon National Defense Authoriza-
5 tion Act for Fiscal Year 2015 (10 U.S.C. 2302 note) is
6 amended—

7 (1) in the heading, by striking “**PROHIBITION**
8 **ON PROVIDING FUNDS TO THE ENEMY**” and in-
9 sserting “**THREAT MITIGATION IN COMMERCIAL**
10 **SUPPORT TO OPERATIONS**”;

11 (2) in subsection (a)—

12 (A) in the heading, by striking “**IDENTI-**
13 **FICATION OF PERSONS AND ENTITIES**” and in-
14 sserting “**PROGRAM**”;

15 (B) in the matter preceding paragraph (1),
16 by striking “establish in each covered combat-
17 ant command a program to identify persons
18 and entities within the area of responsibility of
19 such command that—” and inserting the fol-
20 lowing: “establish a program to mitigate threats
21 posed by vendors supporting operations. The
22 program shall use available intelligence, secu-
23 rity, and law enforcement information to iden-
24 tify persons and entities that—”;

25 (C) in paragraph (1), by striking “; or”
26 and inserting a semicolon;

1 (D) in paragraph (2), by striking the pe-
2 riod at the end and inserting a semicolon; and

3 (E) by adding at the end the following new
4 paragraphs:

5 “(3) directly or indirectly support a covered
6 person or entity or otherwise pose a force protection
7 risk to personnel of the United States or coalition
8 forces; or

9 “(4) pose an unacceptable national security
10 risk.”;

11 (3) by striking subsection (g);

12 (4) by redesignating subsections (h) and (i) as
13 subsections (g) and (h), respectively;

14 (5) in subsection (g)(1), as so redesignated, by
15 striking “may be providing” and all that follows
16 through “or entity” and inserting “have been identi-
17 fied under the program established under subsection
18 (a)”;

19 (6) by amending subsection (h), as so redesign-
20 nated, to read as follows:

21 “(h) WAIVER.—The Secretary of De-
22 fense or the Secretary of State, with the
23 concurrence of the other Secretary, in con-
24 sultation with the Director of National In-
25 telligence, may waive any requirement of

1 this section upon determining that to do so
2 is in the national interest of the United
3 States.”;

4 (7) by striking subsection (j);

5 (8) by redesignating subsections (k) and (l) as
6 subsections (i) and (j), respectively;

7 (9) in subsection (j), as so redesignated, by
8 striking “Except as provided in subsection (m), the”
9 and inserting “The”;

10 (10) by striking subsection (m); and

11 (11) by striking subsection (n).

12 (b) **AUTHORITIES TO TERMINATE, VOID, AND RE-**
13 **STRICT.**—Section 841(c) of such Act is further amended—

14 (1) in paragraph (1)—

15 (A) by inserting “to a person or entity”
16 after “concerned”; and

17 (B) by striking “the contract” and all that
18 follows and inserting “the person or entity has
19 been identified under the program established
20 under subsection (a).”;

21 (2) in paragraph (2), by striking “has failed”
22 and all that follows and inserting “has been identi-
23 fied under the program established under subsection
24 (a).”; and

1 (3) in paragraph (3), by striking “the contract”
2 and all that follows and inserting “the contractor, or
3 the recipient of the grant or cooperative agreement,
4 has been identified under the program established
5 under subsection (a).”.

6 (c) CONTRACT CLAUSE.—Section 841(d)(2)(B) of
7 such Act is amended by inserting after “subsection (c)”
8 the following: “and restrict future award to any con-
9 tractor, or recipient of a grant or cooperative agreement,
10 that has been identified under the program established
11 under subsection (a)”.

12 (d) DISCLOSURE OF INFORMATION EXCEPTION.—
13 Section 841(e) of such Act is amended by adding at the
14 end the following new paragraph:

15 “(3) To provide that full disclosure of informa-
16 tion to the contractor or recipient of a grant or co-
17 operative agreement justifying an action taken under
18 subsection (c) need not be provided when such dis-
19 closure would compromise national security or would
20 pose an unacceptable threat to the personnel of the
21 United States or coalition forces.”.

22 (e) PARTICIPATION OF SECRETARY OF STATE.—Sec-
23 tion 841 of such Act (10 U.S.C. 2302 note) is further
24 amended—

1 (1) in subsection (a) in the matter preceding
2 paragraph (1), by striking “in consultation with”;
3 and

4 (2) in subsection (f)(1), by striking “in con-
5 sultation with”.

6 (f) ADDITIONAL ACCESS TO RECORDS.—Section 842
7 of such Act (10 U.S.C. 2302 note) is amended—

8 (1) in subsection (a), by striking paragraph (4);

9 (2) by striking subsection (b);

10 (3) by striking subsection (c);

11 (4) by redesignating paragraphs (1) through
12 (3) of subsection (a) as subsections (a) through (c),
13 respectively;

14 (5) by striking “(a) CONTRACTS, GRANTS, AND
15 COOPERATIVE AGREEMENTS.—”;

16 (6) in subsection (a), as so redesignated, by
17 striking “, except as provided under subsection
18 (c)(1), the clause described in paragraph (2)” and
19 inserting “the clause described in subsection (b)”;

20 (7) in subsection (b), as so redesignated—

21 (A) by striking “paragraph (3)” and in-
22 sserting “subsection (c)”; and

23 (B) by striking “ensure that funds” and
24 all that follows and inserting “support the pro-
25 gram established under section 841(a).”; and

1 (8) in subsection (c), as so redesignated—

2 (A) by striking “paragraph (2)” and in-
3 serting “subsection (b)”; and

4 (B) by striking “that funds” and all that
5 follows and inserting “that the examination of
6 such records will support the program estab-
7 lished under section 841(a).”.

8 (g) INCLUSION OF ALL CONTRACTS.—Sections 841
9 and 842 of such Act (10 U.S.C. 2302 note) are further
10 amended by striking “covered contract” each place it ap-
11 pears and inserting “contract”.

12 (h) INCLUSION OF ALL COMBATANT COMMANDS.—
13 Sections 841 and 842 of such Act (10 U.S.C. 2302 note)
14 are further amended by striking “covered combatant com-
15 mand” each place it appears and inserting “combatant
16 command”.

17 (i) DELEGATION AUTHORITY OF COMBATANT COM-
18 MANDER.—Sections 841 and 842 of such Act (10 U.S.C.
19 2302 note) are further amended by striking “specified
20 deputies” each place it appears and inserting “designee”.

21 (j) DEFINITION REVISIONS.—Section 843 of such
22 Act (10 U.S.C. 2302 note) is amended—

23 (1) by striking paragraphs (2), (3), (4), and
24 (5);

1 (2) by redesignating paragraphs (6), (7), (8),
2 and (9) as paragraphs (2), (3), (4), and (5), respec-
3 tively; and

4 (3) by amending paragraph (2), as so redesign-
5 ated, to read as follows:

6 “(2) COVERED PERSON OR ENTITY.—The term
7 ‘covered person or entity’ means a person that is—

8 “(A) engaging in acts of violence against
9 personnel of the United States or coalition
10 forces;

11 “(B) providing financing, logistics, train-
12 ing, or intelligence to a person described in sub-
13 paragraph (A);

14 “(C) engaging in foreign intelligence activi-
15 ties against the United States or against coaliti-
16 on forces;

17 “(D) engaging in transnational organized
18 crime or criminal activities; or

19 “(E) engaging in other activities that
20 present a direct or indirect risk to the national
21 security of the United States or coalition
22 forces.”.

1 **SEC. 823. CONTRACTOR LOBBYING RESTRICTION COMPLI-**
2 **ANCE REQUIREMENT.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall promulgate regulations requiring each offeror that
6 submits a bid or proposal in response to a solicitation
7 issued by the Department of Defense to include in such
8 bid or proposal a representation that all covered individ-
9 uals receiving compensation from such offeror are in com-
10 pliance with the requirements of section 1045 of the Na-
11 tional Defense Authorization Act for Fiscal Year 2018
12 (Public Law 115–91; 131 Stat. 1555; 10 U.S.C. 971 note
13 prec.).

14 (b) COVERED INDIVIDUALS DEFINED.—The term
15 “covered individual” means an individual described in sub-
16 section (a)(2) or (b)(2) of section 1045 of the National
17 Defense Authorization Act for Fiscal Year 2018 (Public
18 Law 115-91; 131 Stat. 1555; 10 U.S.C. 971 note prec.).

19 **Subtitle C—Provisions Relating to**
20 **Supply Chain Security**

21 **SEC. 831. DEPARTMENT OF DEFENSE RESEARCH AND DE-**
22 **VELOPMENT PRIORITIES.**

23 The Secretary of Defense shall coordinate with the
24 Secretary of Energy to ensure that the priorities of the
25 Department of Defense with respect to the research and
26 development of alternative technologies to, and methods

1 for the extraction, processing, and recycling of, critical
2 minerals (as defined in section 2(b) of the National Mate-
3 rials and Minerals Policy, Research, and Development Act
4 of 1980 (30 U.S.C. 1601(b))) are included in the appro-
5 priate research and development activities funded by the
6 Secretary of Energy pursuant to the program established
7 under paragraph (g) of section 7002 of division Z of the
8 Consolidated Appropriations Act, 2021 (Public Law 116–
9 260).

10 **SEC. 832. DEFENSE SUPPLY CHAIN RISK ASSESSMENT**
11 **FRAMEWORK.**

12 (a) IN GENERAL.—Not later than one year after the
13 date of the enactment of this Act, the Secretary of Defense
14 shall establish a framework, which may be included as part
15 of a framework developed under section 2509 of title 10,
16 United States Code, and pursuant to recommendations
17 provided under section 5 of Executive Order 14017 (86
18 Fed. Reg. 11849, relating to America’s supply chains), to
19 consolidate the information relating to risks to the defense
20 supply chain that is collected by the elements of the De-
21 partment of Defense to—

22 (1) enable Department-wide risk assessments of
23 the defense supply chain; and

24 (2) support the development of strategies to
25 mitigate risks to the defense supply chain.

1 (b) FRAMEWORK REQUIREMENTS.—The framework
2 established under subsection (a) shall—

3 (1) provide for the collection, management, and
4 storage of data from the supply chain risk manage-
5 ment processes of the Department of Defense;

6 (2) provide for the collection of reports on sup-
7 ply chain risk management from the military depart-
8 ments and Defense Agencies, and the dissemination
9 of such reports to the components of the military de-
10 partments and Defense Agencies involved in the
11 management of supply chain risk;

12 (3) enable all elements of the Department to
13 analyze the information collected by such framework
14 to identify risks to the defense supply chain;

15 (4) enable the Department to—

16 (A) assess the capabilities of foreign adver-
17 saries (as defined in section 8(c) of the Secure
18 and Trusted Communications Networks Act of
19 2019 (47 U.S.C. 1607(c))) to affect the defense
20 supply chain;

21 (B) analyze the ability of the industrial
22 base of the United States to meet the needs of
23 the defense supply chain;

1 (C) track global technology trends that
2 could affect the defense supply chain, as deter-
3 mined by the Secretary of Defense; and

4 (D) assess the risks posed by emerging
5 threats to the defense supply chain;

6 (5) support the identification of technology in
7 which the Department may invest to reduce risks to
8 the defense supply chain, including by improving the
9 resilience of the defense supply; and

10 (6) provide for—

11 (A) a map of the supply chains for major
12 end items that supports analysis, monitoring,
13 and reporting with respect to high-risk sub-
14 contractors and risks to such supply chain; and

15 (B) the use of a covered application de-
16 scribed in subsection (c) in the creation of such
17 map to assess risks to the supply chain for
18 major end items by business sector, vendor,
19 program, part, or technology.

20 (c) COVERED APPLICATION DESCRIBED.—The cov-
21 ered application described in this subsection is a covered
22 application that includes the following elements:

23 (1) A centralized database that consolidates
24 multiple disparate data sources into a single reposi-
25 tory to ensure the consistent availability of data.

1 (2) Centralized reporting to allow for efficient
2 mitigation and remediation of identified supply chain
3 vulnerabilities.

4 (3) Broad interoperability with other software
5 and systems to ensure support for the analytical ca-
6 pabilities of user across the Department.

7 (4) Scalable technology to support multiple
8 users, access controls for security, and functionality
9 designed for information-sharing and collaboration.

10 (d) GUIDANCE.—Not later than 180 days after the
11 framework required under subsection (a) is established,
12 and regularly thereafter, the Secretary of Defense shall
13 issue guidance on mitigating risks to the defense supply
14 chain.

15 (e) REPORTS.—

16 (1) PROGRESS REPORT.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Secretary of Defense shall submit to the congress-
19 sional defense committees a report on the progress
20 of establishing the framework as required under sub-
21 section (a).

22 (2) FINAL REPORT.—Not later than one year
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to the congressional
25 defense committees a report describing the frame-

1 work established under subsection (a) and the orga-
2 nizational structure to manage and oversee the
3 framework.

4 (f) DEFINITIONS.—In this section:

5 (1) COVERED APPLICATION.—The term “cov-
6 ered application” means a software-as-a-service ap-
7 plication that uses decision science, commercial data,
8 and machine learning techniques.

9 (2) DEFENSE AGENCY; MILITARY DEPART-
10 MENT.—The terms “Defense Agency” and “military
11 department” have the meanings given such terms in
12 section 101 of title 10, United States Code.

13 (3) HIGH-RISK SUBCONTRACTORS.—The term
14 “high-risk subcontractor” means a subcontractor at
15 any tier that supplies major end items for the De-
16 partment of Defense.

17 (4) MAJOR END ITEM.—The term “major end
18 item” means an item subject to a unique item-level
19 traceability requirement at any time in the life cycle
20 of such item under Department of Defense Instruc-
21 tion 8320.04, titled “Item Unique Identification
22 (IUID) Standards for Tangible Personal Property”
23 and dated September 3, 2015, or any successor in-
24 struction.

1 **SEC. 833. PLAN TO REDUCE RELIANCE ON SUPPLIES AND**
2 **MATERIALS FROM ADVERSARIES IN THE DE-**
3 **FENSE SUPPLY CHAIN.**

4 (a) **RELIANCE REDUCTION PLAN.**—

5 (1) **IN GENERAL.**—The Secretary of Defense, in
6 coordination with the Secretary of State, shall de-
7 velop and implement a plan to—

8 (A) partner with covered private sector en-
9 tities and partner countries and allies of the
10 United States to reduce the reliance of the
11 United States on covered supplies and materials
12 obtained from sources located in geographic
13 areas controlled by foreign adversaries; and

14 (B) mitigate the risks to national security
15 and the defense supply chain arising from the
16 reliance of the United States on covered sup-
17 plies and materials that cannot be acquired in
18 sufficient quantities to meet the needs of major
19 end items without procuring covered supplies
20 and materials from sources located in geo-
21 graphic areas controlled by foreign adversaries.

22 (2) **CONSIDERATION.**—The Secretary of De-
23 fense shall consider the determinations made under
24 paragraph (3) when developing the plan under para-
25 graph (1).

1 (3) SUPPLIES AND MATERIALS SOURCE DETER-
2 MINATIONS.—Before developing the plan under
3 paragraph (1), the Secretary of Defense, in coordi-
4 nation with Secretary of State, shall determine—

5 (A) the covered supplies and materials for
6 which a source is located in a geographic area
7 controlled by a foreign adversary;

8 (B) the covered supplies and materials de-
9 scribed in subparagraph (A) that may be ac-
10 quired from sources located domestically or in
11 geographic areas controlled by partner countries
12 or allies of the United States in sufficient quan-
13 tities to—

14 (i) reduce the reliance of the Depart-
15 ment on covered supplies and materials de-
16 scribed in subparagraph (A); and

17 (ii) increase the resiliency of the de-
18 fense supply chain;

19 (C) the difference in cost to acquire cov-
20 ered supplies and materials described in sub-
21 paragraph (A) from sources located domesti-
22 cally or in geographic areas controlled by part-
23 ner countries or allies of the United States, if
24 available; and

1 (D) the covered supplies and materials de-
2 scribed in subparagraph (A) that cannot be ac-
3 quired in sufficient quantities to meet the needs
4 of major end items without sources located in
5 geographic areas controlled by foreign adver-
6 saries.

7 (b) REPORT.—Not later than two years after the en-
8 actment of this Act, the Secretary of Defense shall submit
9 to the appropriate congressional committees a report de-
10 scribing—

11 (1) the determinations made under subsection
12 (a)(3);

13 (2) the plan required under subsection (a)(1).

14 (c) DEFINITIONS.—In this section:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means the following:

18 (A) The Committee on Armed Services of
19 the House of Representatives.

20 (B) The Committee on Armed Services of
21 the Senate.

22 (C) The Committee on Foreign Affairs of
23 the House of Representatives.

24 (D) The Committee on Foreign Relations
25 of the Senate.

1 (2) COVERED PRIVATE SECTOR ENTITY.—The
2 term “covered private sector entity” means a private
3 sector entity able to provide, or facilitate the acquisi-
4 tion of, covered supplies and materials from domes-
5 tic sources or sources located in geographic areas
6 controlled by partner countries or allies of the
7 United States.

8 (3) COVERED SUPPLIES AND MATERIALS.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), the term “covered supplies
11 and materials”—

12 (i) means—

13 (I) critical safety systems and
14 subsystems;

15 (II) assemblies and subassemblies
16 integral to a system or subsystem;
17 and

18 (III) repair, maintenance, logis-
19 tics support, and overhaul services for
20 systems, subsystems, assemblies, sub-
21 assemblies, and parts integral to a
22 systems; and

23 (ii) includes systems, subsystems, as-
24 semblies, subassemblies, and parts de-
25 scribed in clause (i) acquired with respect

1 to commercial items (as defined under sec-
2 tion 2.101 of title 48, Code of Federal
3 Regulations) and non-commercial items.

4 (B) CERTAIN STRATEGIC AND CRITICAL
5 MATERIALS EXCLUDED.—The term “covered
6 supplies and materials” does not include any
7 strategic and critical materials (as defined
8 under section 12 of the Strategic and Critical
9 Materials Stock Piling Act (50 U.S.C. 98h–3))
10 with respect to which the Secretary includes an
11 appropriate reduction plan in a report required
12 under section 14 of such Act (50 U.S.C. 98h–
13 5).

14 (4) FOREIGN ADVERSARY.—The term “foreign
15 adversary” has the meaning given such term in sec-
16 tion 8(c) of the Secure and Trusted Communications
17 Networks Act of 2019 (47 U.S.C. 1607(c)).

18 (5) MAJOR END ITEM.—The term “major end
19 item” means an item subject to a unique item-level
20 traceability requirement at any time in the life cycle
21 of such item under Department of Defense Instruc-
22 tion 8320.04, titled “Item Unique Identification
23 (IUID) Standards for Tangible Personal Property”
24 and dated September 3, 2015, or any successor in-
25 struction.

1 **SEC. 834. ENHANCED DOMESTIC CONTENT REQUIREMENT**
2 **FOR MAJOR DEFENSE ACQUISITION PRO-**
3 **GRAMS.**

4 (a) ASSESSMENT REQUIRED.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense shall submit to the congressional
8 defense committees a report assessing the domestic
9 source content of any procurement.

10 (2) INFORMATION REPOSITORY.—The Secretary
11 of Defense shall establish an information repository
12 for the collection and analysis of information related
13 to domestic source content that can be used for con-
14 tinuous data analysis and program management ac-
15 tivities.

16 (b) ENHANCED DOMESTIC CONTENT REQUIRE-
17 MENT.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), for purposes of chapter 83 of title 41,
20 United States Code, manufactured articles, mate-
21 rials, or supplies procured are manufactured sub-
22 stantially all from articles, materials, or supplies
23 mined, produced, or manufactured in the United
24 States if the cost of such component articles, mate-
25 rials, or supplies—

1 (A) supplied not later than the date of the
2 enactment of this Act, exceeds 60 percent of
3 cost of the manufactured articles, materials, or
4 supplies procured;

5 (B) supplied during the period beginning
6 January 1, 2024, and ending December 31,
7 2028, exceeds 65 percent of the cost of the
8 manufactured articles, materials, or supplies;
9 and

10 (C) supplied on or after January 1, 2029,
11 exceeds 75 percent of the cost of the manufac-
12 tured articles, materials, or supplies.

13 (2) EXCLUSION FOR CERTAIN MANUFACTURED
14 ARTICLES.—Paragraph (1) shall not apply to manu-
15 factured articles that consist wholly or predomi-
16 nantly of iron, steel, or a combination of iron and
17 steel.

18 (3) RULEMAKING.—

19 (A) IN GENERAL.—Not later than 180
20 days after the date of the enactment of this
21 Act, the Secretary of Defense shall issue rules
22 to determine the treatment of the lowest price
23 offered for a foreign end product for which 55
24 percent or more of the component articles, ma-
25 terials, or supplies of such foreign end product

1 are manufactured substantially all from articles,
2 materials, or supplies mined, produced, or man-
3 ufactured in the United States if—

4 (i) the application paragraph (1) re-
5 sults in an unreasonable cost; or

6 (ii) no offers are submitted to supply
7 manufactured articles, materials, or sup-
8 plies manufactured substantially all from
9 articles, materials, or supplies mined, pro-
10 duced, or manufactured in the United
11 States.

12 (B) TERMINATION.—Rules issued under
13 this paragraph shall cease to have force or ef-
14 fect on January 1, 2030.

15 (4) APPLICABILITY.—The requirements of this
16 subsection shall apply to contracts entered into on or
17 after the date of the enactment of this Act.

18 **SEC. 835. REDUCTION OF FLUCTUATIONS OF SUPPLY AND**
19 **DEMAND FOR CERTAIN COVERED ITEMS.**

20 (a) SUPPLY AND DEMAND REQUIREMENTS.—Not
21 later than one year after the date of the enactment of this
22 Act, the Secretary of Defense shall—

23 (1) specify methods and processes to track and
24 reduce fluctuations in supply chain forecasting and
25 demand requirements of the Office of the Secretary

1 of Defense, each military department, and the De-
2 fense Logistics Agency for covered items; and

3 (2) implement policies to encourage predictable
4 demand requirements for covered items for the Of-
5 fice of the Secretary of Defense, each military de-
6 partment, and the Defense Logistics Agency.

7 (b) REPORT.—Not later than 15 months after the
8 date of the enactment of this Act, and quarterly there-
9 after, each Secretary of a military department and the Di-
10 rector of the Defense Logistics Agency shall submit to the
11 Under Secretary of Defense for Acquisition and
12 Sustainment a report on the fluctuations in supply chain
13 forecasting and demand requirements for each covered
14 item, expressed as a percentage.

15 (c) COVERED ITEM DEFINED.—In this section, the
16 term “covered item” means a covered item described in
17 subparagraph (B), (C), or (E) of subsection (b)(1) or sub-
18 section (b)(2) of section 2533a of title 10, United States
19 Code.

20 **SEC. 836. PROHIBITION ON CERTAIN PROCUREMENTS**
21 **FROM THE XINJIANG UYGHUR AUTONOMOUS**
22 **REGION.**

23 (a) PROHIBITION ON THE AVAILABILITY OF FUNDS
24 FOR CERTAIN PROCUREMENTS FROM XUAR.—None of
25 the funds authorized to be appropriated by this Act or

1 otherwise made available for fiscal year 2022 for the De-
2 partment of Defense may be obligated or expended to pro-
3 cure any products mined, produced, or manufactured
4 wholly or in part by forced labor from XUAR or from an
5 entity that has used labor from within or transferred from
6 XUAR as part of a “poverty alleviation” or “pairing as-
7 sistance” program.

8 (b) RULEMAKING.—The Secretary of Defense shall
9 issue rules not later than 90 days after the date of the
10 enactment of this Act to require a certification from
11 offerors for contracts with the Department of Defense
12 stating the offeror has made a good faith effort to deter-
13 mine that forced labor from XUAR, as described in sub-
14 section (a), was not or will not be used in the performance
15 of such contract.

16 (c) DEFINITIONS.—In this section:

17 (1) FORCED LABOR.—The term “forced labor”
18 means all work or service which is exacted from any
19 person under the menace of any penalty for its non-
20 performance and for which the worker does not offer
21 himself voluntarily.

22 (2) PERSON.—The term “person” means—

23 (A) a natural person, corporation, com-
24 pany, business association, partnership, society,

1 trust, or any other nongovernmental entity, or-
2 ganization, or group; or

3 (B) any successor, subunit, parent entity,
4 or subsidiary of, or any entity under common
5 ownership or control with, any entity described
6 in subparagraph (A).

7 (3) XUAR.—The term “XUAR” means the
8 Xinjiang Uyghur Autonomous Region of the Peo-
9 ple’s Republic of China.

10 **SEC. 837. ENSURING CONSIDERATION OF THE NATIONAL**
11 **SECURITY IMPACTS OF URANIUM AS A CRIT-**
12 **ICAL MINERAL.**

13 (a) IN GENERAL.—The Secretary of Defense, in co-
14 ordination with the Secretary of Energy and the Secretary
15 of Commerce, shall conduct an assessment of the effect
16 on national security that would result from uranium ceas-
17 ing to be designated as a critical mineral by the Secretary
18 of the Interior under section 7002(c) of the Energy Act
19 of 2020 (Public Law 116–260; 30 U.S.C. 1606(c)).

20 (b) REPORT.—The Secretary of Defense shall submit
21 to the congressional defense committees a report on the
22 findings of the assessment conducted under subsection (a),
23 including—

24 (1) the effects of the loss of domestic uranium
25 production on—

1 (A) Federal national security programs, in-
2 cluding any existing and potential future uses
3 of unobligated uranium originating from domes-
4 tic sources; and

5 (B) the energy security of the United
6 States;

7 (2) a description of the extent of the reliance of
8 the United States on imports of uranium from for-
9 eign sources, including from state-owned entities, to
10 supply fuel for commercial reactors; and

11 (3) the effects of such reliance and other fac-
12 tors on the domestic production, conversion, fabrica-
13 tion, and enrichment of uranium.

14 (c) URANIUM CRITICAL MINERAL DESIGNATION
15 CHANGE RESTRICTED.—Notwithstanding section 7002(c)
16 of the Energy Act of 2020 (Public Law 116–260; 30
17 U.S.C. 1606(c)), until the submission of the report re-
18 quired under subsection (b), the designation of uranium
19 as a critical mineral pursuant to such section may not be
20 altered or eliminated.

21 **SEC. 838. STATEMENT OF POLICY AND DETERMINATION RE-**
22 **LATED TO COVERED OPTICAL TRANSMISSION**
23 **EQUIPMENT OR SERVICES.**

24 (a) STATEMENT OF POLICY.—It is the policy of the
25 United States that covered optical transmission equipment

1 or services is a critical component of the United States
2 information and communications technology supply chain,
3 and the Department of Defense should procure covered
4 optical transmission equipment or services from trusted
5 manufacturers and suppliers for use in communications
6 networks.

7 (b) DETERMINATION RELATED TO COVERED OPTI-
8 CAL TRANSMISSION EQUIPMENT OR SERVICES.—

9 (1) PROCEEDING.—Not later than 45 days
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense shall commence a process to make
12 a determination whether a proposed procurement of
13 covered optical transmission equipment or services
14 that is manufactured, produced, or distributed by an
15 entity owned, controlled, or supported by the Peo-
16 ple’s Republic of China poses an unacceptable risk
17 to the national security of the United States.

18 (2) COMMUNICATION OF DETERMINATION.—If
19 the Secretary determines pursuant to paragraph (1)
20 that a proposed procurement of covered optical
21 transmission equipment or services poses an unac-
22 ceptable risk, the Secretary shall immediately pub-
23 lish that determination in the Federal Register and
24 submit that determination to the relevant Federal

1 agencies, including the Department of Commerce
2 and the Federal Communications Commission.

3 (c) COMMERCIAL NETWORKS.—

4 (1) STUDY REQUIRED.—If the Secretary of De-
5 fense makes a determination under subsection (b)
6 that a proposed procurement of covered optical
7 transmission equipment or services poses an unac-
8 ceptable risk to the national security of the United
9 States, the Federal Communications Commission
10 shall—

11 (A) within 90 days after receipt of such
12 determination, complete a study to determine
13 the extent to which such covered optical trans-
14 mission equipment or services is present in
15 commercial communications networks in the
16 United States; and

17 (B) submit to Congress a report on the
18 study conducted under subparagraph (A).

19 (2) COVERED COMMUNICATIONS EQUIPMENT OR
20 SERVICES LIST.—If the requirements for placement
21 on the covered communications equipment or serv-
22 ices list under section 2 of the Secure and Trusted
23 Communications Networks Act of 2019 (47 U.S.C.
24 1601) are met, the Federal Communications Com-
25 mission shall place such covered optical transmission

1 equipment or services on such list, but the prohibi-
2 tion in section 3(a)(1)(B) of such Act (47 U.S.C.
3 1602(a)(1)(B)) shall not take effect until the date
4 that is 1 year after the Commission places such cov-
5 ered optical transmission equipment or services on
6 such list.

7 (3) REIMBURSEMENT.—Any covered optical
8 transmission equipment or services placed on the
9 covered communications equipment or services list
10 described in paragraph (2) shall not be eligible for
11 reimbursement under the Secure and Trusted Com-
12 munications Networks Reimbursement Program es-
13 tablished under section 4 of the Secure and Trusted
14 Communications Networks Act of 2019 (47 U.S.C.
15 1603) until the date that is 1 year after the Com-
16 mission places such covered optical transmission
17 equipment or services on such list.

18 (d) COVERED OPTICAL TRANSMISSION EQUIPMENT
19 OR SERVICES DEFINED.—In this section, the term “cov-
20 ered optical transmission equipment or services” means—

21 (1) optical transmission equipment, including
22 optical fiber and cable, that is capable of routing or
23 redirecting user data traffic or permitting visibility
24 into any user data or packets that such equipment
25 transmits or handles; or

1 (2) services that use such equipment.

2 **SEC. 839. SUPPLY OF SYNTHETIC GRAPHITE FOR THE DE-**
3 **PARTMENT OF DEFENSE.**

4 The Secretary of Defense—

5 (1) shall deem synthetic graphite material to be
6 a strategic and critical material for defense, indus-
7 trial, and civilian needs; and

8 (2) to the maximum extent practicable, shall ac-
9 quire synthetic graphite material in the following
10 order of preference:

11 (A) First, from sources domestically owned
12 and produced within the United States.

13 (B) Second, from sources located within
14 the United States or the national technology
15 and industrial base (as defined in section 2500
16 of title 10, United States Code).

17 (C) Third, from other sources as appro-
18 priate.

1 **Subtitle D—Industrial Base**
2 **Matters**

3 **SEC. 841. MODIFICATION OF PILOT PROGRAM FOR DEVEL-**
4 **OPMENT OF TECHNOLOGY-ENHANCED CAPA-**
5 **BILITIES WITH PARTNERSHIP INTER-**
6 **MEDIARIES.**

7 Section 851 of the National Defense Authorization
8 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
9 1510; 10 U.S.C. 2283 note) is amended to read as follows:

10 **“SEC. 851. PILOT PROGRAM FOR DEVELOPMENT OF TECH-**
11 **NOLOGY-ENHANCED CAPABILITIES WITH**
12 **PARTNERSHIP INTERMEDIARIES.**

13 “(a) ESTABLISHMENT.—The Secretary of Defense
14 may authorize the Commander of the United States Spe-
15 cial Operations Command to use funds described in sub-
16 section (b) for a pilot program under which the Com-
17 mander shall make, through the use of a partnership
18 intermediary, covered awards to small business concerns
19 to develop technology-enhanced capabilities for special op-
20 erations forces.

21 “(b) FUNDS.—

22 “(1) IN GENERAL.—The funds described in this
23 subsection are funds transferred to the Commander
24 of the United States Special Operations Command
25 to carry out the pilot program established under this

1 section from funds available to be expended by each
2 covered entity pursuant to section 9(f) of the Small
3 Business Act.

4 “(2) LIMITATIONS.—

5 “(A) FISCAL YEAR.—A covered entity may
6 not transfer to the Commander an amount
7 greater than 10 percent of the funds available
8 to be expended by such covered entity pursuant
9 to section 9(f) of the Small Business Act for a
10 fiscal year.

11 “(B) AGGREGATE AMOUNT.—The aggre-
12 gate amount of funds to be transferred to the
13 Commander may not exceed \$20,000,000.

14 “(c) PARTNERSHIP INTERMEDIARIES.—

15 “(1) AUTHORIZATION.—The Commander may
16 modify an existing agreement with a partnership
17 intermediary to assist the Commander in carrying
18 out the pilot program under this section, including
19 with respect to the award of contracts and agree-
20 ments to small business concerns.

21 “(2) LIMITATION.—None of the funds described
22 in subsection (b) may be used to pay a partnership
23 intermediary for any costs associated with the pilot
24 program.

1 “(3) DATA.—With respect to a covered award
2 made under this section, the Commander shall gather
3 data on the role of the partnership intermediary
4 to include the—

5 “(A) staffing structure;

6 “(B) funding sources; and

7 “(C) methods for identifying and evalu-
8 ating small business concerns eligible for a cov-
9 ered award.

10 “(d) REPORT.—

11 “(1) ANNUAL REPORT.—Not later than October
12 1 of each year until October 1, 2026, the Com-
13 mander of the United States Special Operations
14 Command, in coordination with the Under Secretary
15 of Defense for Research and Engineering, shall sub-
16 mit to the congressional defense committees, the
17 Committee on Small Business of the House of Rep-
18 resentatives, and the Committee on Small Business
19 and Entrepreneurship of the Senate a report includ-
20 ing—

21 “(A) a description of each agreement with
22 a partnership intermediary entered into pursu-
23 ant to this section;

24 “(B) for each covered award made under
25 this section—

- 1 “(i) a description of the role served by
2 the partnership intermediary;
- 3 “(ii) the amount of funds obligated;
- 4 “(iii) an identification of the small
5 business concern that received such cov-
6 ered award;
- 7 “(iv) a description of the use of such
8 covered award;
- 9 “(v) a description of the role served
10 by the program manager (as defined in
11 section 1737 of title 10, United States
12 Code) of the covered entity with respect to
13 the small business concern that received
14 such covered award, including a descrip-
15 tion of interactions and the process of the
16 program manager in producing a past per-
17 formance evaluation of such concern; and
- 18 “(vi) the benefits achieved as a result
19 of the use of a partnership intermediary
20 for the pilot program established under
21 this section as compared to previous efforts
22 of the Commander to increase participa-
23 tion by small business concerns in the de-
24 velopment of technology-enhanced capabili-
25 ties for special operations forces; and

1 “(C) a plan detailing how each covered en-
2 tity will apply lessons learned from the pilot
3 program to improve processes for directly work-
4 ing with and supporting small business con-
5 cerns to develop technology-enhanced capabili-
6 ties for special operations forces.

7 “(2) FINAL REPORT.—The final report required
8 under this subsection shall include, along with the
9 requirements of paragraph (1), a recommendation
10 regarding—

11 “(A) whether and for how long the pilot
12 program established under this section should
13 be extended; and

14 “(B) whether to increase funding for the
15 pilot program, including a justification for such
16 an increase.

17 “(e) TERMINATION.—The authority to carry out a
18 pilot program under this section shall terminate on Sep-
19 tember 30, 2025.

20 “(f) DEFINITIONS.—In this section:

21 “(1) The term ‘covered award’ means an award
22 made under the Small Business Innovation Research
23 Program.

24 “(2) The term ‘covered entity’ means—

25 “(A) the Army;

1 “(B) the Navy;
2 “(C) the Air Force;
3 “(D) the Marine Corps;
4 “(E) the Space Force; and
5 “(F) any element of the Department of
6 Defense that makes awards under the Small
7 Business Innovation Research Program or
8 Small Business Technology Transfer Program.

9 “(3) The term ‘partnership intermediary’ has
10 the meaning given the term in section 23(c) of the
11 Stevenson-Wydler Technology Innovation Act of
12 1980 (15 U.S.C. 3715(c)).

13 “(4) The term ‘small business concern’ has the
14 meaning given the term under section 3 of the Small
15 Business Act (15 U.S.C. 632).

16 “(5) The term ‘Small Business Innovation Re-
17 search Program’ has the meaning given the term in
18 section 9(e)(4) of the Small Business Act (15 U.S.C.
19 638(e)).

20 “(6) The term ‘technology-enhanced capability’
21 means a product, concept, or process that improves
22 the ability of a member of the Armed Forces to
23 achieve an assigned mission.”.

1 **SEC. 842. DESIGNATING CERTAIN SBIR AND STTR PRO-**
2 **GRAMS AS ENTREPRENEURIAL INNOVATION**
3 **PROJECTS.**

4 (a) ENTREPRENEURIAL INNOVATION PROJECT
5 PILOT PROGRAM.—

6 (1) IN GENERAL.—The Secretary of Defense
7 and the covered Secretaries concerned shall each es-
8 tablish and carry out a pilot program to more effec-
9 tively transition projects that have completed a
10 Phase II SBIR or STTR award and that present the
11 potential to meet operational needs of elements of
12 the Department of Defense to Phase III by desig-
13 nating eligible programs as Entrepreneurial Innova-
14 tion Projects.

15 (2) DESIGNATION.—Not later than one year
16 after the date of the enactment of this section, and
17 annually thereafter, not less than five eligible pro-
18 grams shall be designated as Entrepreneurial Inno-
19 vation Projects by—

20 (A) each covered Secretary concerned, in
21 consultation with each chief of a covered Armed
22 Force under the jurisdiction of the Secretary
23 concerned; and

24 (B) the Secretary of Defense for each cov-
25 ered element of the Department.

26 (b) SELECTION REQUIREMENTS.—

1 (1) FUTURE YEARS DEFENSE PROGRAM INCLU-
2 SION.—The Secretary of Defense shall include the
3 estimated expenditures of each designated program
4 in the first future-years defense program submitted
5 to Congress under section 221 of title 10, United
6 States Code, after such designated program is des-
7 ignated under subsection (a)(2).

8 (2) PPBE COMPONENT.—Each designated pro-
9 gram shall be considered by the designating Sec-
10 retary as an integral part of the planning, pro-
11 gramming, budgeting, and execution process of the
12 Department of Defense.

13 (3) PROGRAMMING PROPOSAL.—Each des-
14 ignated program shall be included by the designating
15 Secretary under a separate heading in any program-
16 ming proposals submitted to the congressional de-
17 fense committees.

18 (4) DESIGNATION CRITERIA.—In making des-
19 ignations required under subsection (a)(2), the cov-
20 ered Secretary concerned or the Secretary of De-
21 fense, as applicable, shall consider—

22 (A) the potential of the eligible program
23 to—

24 (i) advance the national security capa-
25 bilities of the United States;

1 (ii) provide new technologies or proc-
2 esses, or new applications of existing tech-
3 nologies, that will enable new alternatives
4 to existing programs;

5 (iii) provide future cost savings; and

6 (iv) significantly reduce the time to
7 deliver capabilities to members of the cov-
8 ered Armed Forces; and

9 (B) any other criteria that the covered
10 Secretary concerned or Secretary of Defense, as
11 applicable, determines appropriate.

12 (5) MITIGATE CONFLICTS OF INTEREST.—The
13 covered Secretary concerned or the Secretary of De-
14 fense, as applicable, shall establish procedures for
15 the designation of Entrepreneurial Innovation
16 Projects which will mitigate, to the greatest extent
17 practicable, organizational conflicts of interests, in-
18 cluding those from within Governmental organiza-
19 tions or programs that could view the designation
20 and successful completion of an Entrepreneurial In-
21 novation Project as a competing alternative to an ex-
22 isting or proposed program or other activity.

23 (6) APPLICATION.—The Secretary of Defense
24 and each covered Secretary concerned shall establish

1 an application process for eligible programs seeking
2 designation as Entrepreneurial Innovation Projects.

3 (c) REVOCATION OF DESIGNATION.—If the desig-
4 nating Secretary determines that a designated program no
5 longer meets the criteria in subsection (b)(4) or that the
6 technology has become irrelevant, the designating Sec-
7 retary may revoke the Entrepreneurial Innovation Project
8 designation for such designated program.

9 (d) REPORTS TO CONGRESS.—

10 (1) ANNUAL REPORT.—The Secretary of De-
11 fense shall submit to congressional defense commit-
12 tees, the Committee on Small Business and Entre-
13 preneurship of the Senate, and the Committee on
14 Small Business of the House of Representatives,
15 concurrently with the President’s annual budget re-
16 quest, an annual report that includes for each des-
17 ignated program—

18 (A) a description of the designated pro-
19 gram;

20 (B) a summary of the potential of the des-
21 ignated program as considered under subsection
22 (b)(4)(A);

23 (C) the progress made towards inclusion in
24 the future-years defense program;

1 (D) the progress made towards delivering
2 on the potential of the designated program; and

3 (E) such other information that the Sec-
4 retary determines appropriate to inform the
5 congressional defense committees about the sta-
6 tus of the pilot programs established under this
7 section.

8 (2) FINAL REPORT.—In the last report sub-
9 mitted under paragraph (1) prior to December 31,
10 2027, the Secretary of Defense shall include a rec-
11 ommendation on whether to extend the pilot pro-
12 grams established under this section and the appro-
13 priate duration of such extension, if any.

14 (e) EFFECTIVE DATE.—This section shall take effect
15 on January 1, 2022.

16 (f) TERMINATION DATE.—The pilot programs estab-
17 lished under this section shall terminate on December 31,
18 2027.

19 (g) DEFINITIONS.—In this section:

20 (1) COVERED ARMED FORCES.—The term “cov-
21 ered Armed Forces” means—

22 (A) the Army;

23 (B) the Navy;

24 (C) the Air Force;

25 (D) the Marine Corps; and

1 (E) the Space Force.

2 (2) COVERED ELEMENT OF THE DEPART-
3 MENT.—The term “covered element of the Depart-
4 ment” means any element of the Department of De-
5 fense, other than an element referred to in para-
6 graph (3), that is associated with the Small Busi-
7 ness Innovation Research or Small Business Tech-
8 nology Transfer programs.

9 (3) COVERED SECRETARY CONCERNED.—The
10 term “covered Secretary concerned” means—

11 (A) the Secretary of the Army, with re-
12 spect to matters concerning the Department of
13 the Army;

14 (B) the Secretary of the Navy, with re-
15 spect to matters concerning the Department of
16 the Navy (other than matters concerning the
17 Coast Guard); and

18 (C) the Secretary of the Air Force, with
19 respect to matters concerning the Department
20 of the Air Force.

21 (4) ELIGIBLE PROGRAM.—The term “eligible
22 program” means a project that has completed a
23 Phase II SBIR or STTR award.

24 (5) DESIGNATED PROGRAM.—The term “des-
25 ignated program” means an eligible program that

1 has been designated as an Entrepreneurial Innova-
2 tion Project under this section and for which such
3 designation has not been revoked under subsection
4 (c).

5 (6) DESIGNATING SECRETARY.—The term
6 “designating Secretary” means—

7 (A) with respect to a designated program
8 designated as an Entrepreneurial Innovation
9 Project under this section by a covered Sec-
10 retary concerned, such covered Secretary con-
11 cerned; and

12 (B) with respect to all other designated
13 programs, the Secretary of Defense.

14 (7) PHASE II; PHASE III; SBIR; STTR.—The
15 terms “Phase II”, “Phase III”, “SBIR”, and
16 “STTR” have the meanings given such terms in sec-
17 tion 9(e) of the Small Business Act (15 U.S.C.
18 638(e)).

19 **SEC. 843. MODIFICATIONS TO PRINTED CIRCUIT BOARD AC-**
20 **QUISITION RESTRICTIONS.**

21 (a) IN GENERAL.—Section 2533d of title 10, United
22 States Code, is amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “January
2 1, 2023” and inserting “the date determined
3 under paragraph (3)”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(3) Paragraph (1) shall take effect on January
7 1, 2027.”;

8 (2) in subsection (c)—

9 (A) in paragraph (2)—

10 (i) in the matter preceding subpara-
11 graph (A), by inserting “specified type of”
12 after “means any”;

13 (ii) in subparagraph (A), by striking
14 “(as such terms are defined under sections
15 103 and 103a of title 41, respectively)”;
16 and

17 (iii) by amending subparagraph (B) to
18 read as follows:

19 “(B) is a component of—

20 “(i) a defense security system; or

21 “(ii) a system, other than a defense
22 security system, that transmits or stores
23 information and which the Secretary iden-
24 tifies as national security sensitive in the

1 contract under which such printed circuit
2 board is acquired.”; and

3 (B) by adding at the end the following new
4 paragraphs:

5 “(3) COMMERCIAL PRODUCT; COMMERCIAL
6 SERVICE; COMMERCIALLY AVAILABLE OFF-THE
7 SHELF ITEM.—The terms ‘commercial product’,
8 ‘commercial service’, and ‘commercially available off-
9 the-shelf item’ have the meanings given such terms
10 in sections 103, 103a, and 104 of title 41, respec-
11 tively.

12 “(4) DEFENSE SECURITY SYSTEM.—

13 “(A) The term ‘defense security system’
14 means an information system (including a tele-
15 communications system) used or operated by
16 the Department of Defense, by a contractor of
17 the Department, or by another organization on
18 behalf of the Department, the function, oper-
19 ation, or use of which—

20 “(i) involves command and control of
21 an armed force;

22 “(ii) involves equipment that is an in-
23 tegral part of a weapon or weapon system;

24 or

1 “(iii) subject to subparagraph (B), is
2 critical to the direct fulfillment of military
3 missions.

4 “(B) Subparagraph (A)(iii) does not in-
5 clude a system that is to be used for routine ad-
6 ministrative and business applications (includ-
7 ing payroll, finance, logistics, and personnel
8 management applications).

9 “(5) SPECIFIED TYPE.—The term ‘specified
10 type’ means a printed circuit board that is—

11 “(A) a component of an electronic device
12 that facilitates the routing, connecting, trans-
13 mitting or securing of data and is commonly
14 connected to a network, and

15 “(B) any other end item, good, or product
16 specified by the Secretary in accordance with
17 subsection (d)(2).”; and

18 (3) by amending subsection (d) to read as fol-
19 lows:

20 “(d) RULEMAKING.—

21 “(1) The Secretary may issue rules providing
22 that subsection (a) may not apply with respect to an
23 acquisition of commercial products, commercial serv-
24 ices, and commercially available off-the-shelf items
25 if—

1 “(A) the contractor is capable of meeting
2 minimum requirements that the Secretary
3 deems necessary to provide for the security of
4 national security networks and weapon systems,
5 including, at a minimum, compliance with sec-
6 tion 224 of the National Defense Authorization
7 Act for Fiscal Year 2020 (Public Law 116–92;
8 10 U.S.C. 2302 note); and

9 “(B) either—

10 “(i) the Government and the con-
11 tractor have agreed to a contract requiring
12 the contractor to take certain actions to
13 ensure the integrity and security of the
14 item, including protecting the item from
15 unauthorized access, use, disclosure, dis-
16 ruption, modification, or destruction; or

17 “(ii) the Secretary has determined
18 that the contractor has adopted such pro-
19 cedures, tools, and methods for identifying
20 the sources of components of such item,
21 based on commercial best practices, that
22 meet or exceed the applicable trusted sup-
23 ply chain and operational security stand-
24 ards of the Department of Defense.

1 “(2) The Secretary may issue rules specifying
2 end items, goods, and products for which a printed
3 circuit board that is a component thereof shall be a
4 ‘specified type’ if the Secretary has promulgated
5 final regulations, after an opportunity for notice and
6 comment that is not less than 12 months, imple-
7 menting this section.

8 “(3) In carrying out this section, the Secretary
9 shall, to the maximum extent practicable, avoid im-
10 posing contractual certification requirements with
11 respect to the acquisition of commercial products,
12 commercial services, or commercially available off-
13 the-shelf items.”.

14 (b) MODIFICATION OF INDEPENDENT ASSESSMENT
15 OF PRINTED CIRCUIT BOARDS.—Section 841(d) of the
16 William M. (Mac) Thornberry National Defense Author-
17 ization Act for Fiscal Year 2021 (Public Law 116–283)
18 is amended—

19 (1) in paragraph (1)—

20 (A) by striking “the date of enactment of
21 this Act” and inserting “the date of the enact-
22 ment of the National Defense Authorization Act
23 for Fiscal Year 2022”;

24 (B) by striking “shall seek to enter” and
25 inserting “shall enter”;

1 (C) by striking “to include printed circuit
2 boards in commercial products or services, or
3 in” and inserting “to printed circuit boards in
4 other commercial or”; and

5 (D)) by striking “the scope of mission
6 critical” and all that follows through the period
7 at the end and inserting “types of systems
8 other than defense security systems (as defined
9 in section 2533d(c) of title 10, United States
10 Code) that should be subject to the prohibition
11 in section 2533d(a) of title 10, United States
12 Code.”;

13 (2) in the heading for paragraph (2), by strik-
14 ing “DEPARTMENT OF DEFENSE” and inserting
15 “DEPARTMENT OF DEFENSE”;

16 (3) in paragraph (2), by striking “one year
17 after entering into the contract described in para-
18 graph (1)” and inserting “January 1, 2023”;

19 (4) in the heading for paragraph (3), by strik-
20 ing “CONGRESS” and inserting “CONGRESS”; and

21 (5) in paragraph (3), by inserting after “the
22 recommendations of the report.” the following: “The
23 Secretary shall use the report to determine whether
24 any systems (other than defense security systems (as
25 defined in section 2533d(c) of title 10, United States

1 Code)) or other types of printed circuit boards
2 should be subject to the prohibition in section
3 2533d(a) of title 10, United States Code.”.

4 **SEC. 844. DEFENSE INDUSTRIAL BASE COALITION FOR CA-**
5 **REER DEVELOPMENT.**

6 (a) IN GENERAL.—The Under Secretary of Defense
7 for Acquisition and Sustainment shall establish and man-
8 age a coalition among covered institutions of higher edu-
9 cation, career and technical education programs, work-
10 force development boards, labor organizations, and organi-
11 zations representing defense industrial base contractors to
12 focus on career pathways for individuals seeking careers
13 in manufacturing. The goals of the coalition shall be—

14 (1) to highlight the importance of expertise in
15 manufacturing careers;

16 (2) to share experiences of successful partner-
17 ships between such organizations and covered insti-
18 tutions of higher education to create opportunities
19 for individuals attending such institutions to be
20 hired by defense industrial base contractors; and

21 (3) to encourage opportunities for donating
22 used equipment of defense industrial base contrac-
23 tors to covered institutions of higher education for
24 use in training such individuals.

1 (b) REPORT.—Not later than 270 days after the date
2 of the enactment of this Act, the Under Secretary of De-
3 fense for Acquisition and Sustainment, in coordination
4 with the coalition established under subsection (a), shall
5 submit to the congressional defense committees a report
6 including—

7 (1) the results of any cooperative work-edu-
8 cation program established by defense laboratories
9 pursuant to section 2195 of title 10, United States
10 Code;

11 (2) an assessment of whether such programs
12 could be expanded to include individuals attending
13 secondary schools and career and technical education
14 programs to create opportunities for such individuals
15 to be hired by defense industrial base contractors;
16 and

17 (3) recommendations for whether incentive con-
18 tracts are needed to encourage defense industrial
19 base contractors to provide career pathways for indi-
20 viduals seeking careers in manufacturing.

21 (c) DEFINITIONS.—In this section:

22 (1) COVERED INSTITUTION OF HIGHER EDU-
23 CATION.—The term “covered institution of higher
24 education” means—

1 (A) an institution of higher education, as
2 defined in section 101 of the Higher Education
3 Act of 1965 (20 U.S.C. 1001); and

4 (B) a postsecondary vocational institution,
5 as defined in section 102(e) of such Act (20
6 U.S.C. 1002(e)).

7 (2) DEFENSE INDUSTRIAL BASE CON-
8 TRACTOR.—The term “defense industrial base con-
9 tractor” means a prime contractor or subcontractor
10 (at any tier) in the defense industrial base.

11 (3) LABOR ORGANIZATION.—The term “labor
12 organization” has the meaning given such term in
13 section 2(5) of the National Labor Relations Act (29
14 U.S.C. 152(5)).

15 (4) SECONDARY SCHOOL.—The term “sec-
16 ondary school” has the meaning given such term in
17 section 8101 of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 7801).

19 (5) CAREER AND TECHNICAL EDUCATION.—The
20 term “career and technical education” has the
21 meaning given such term in section 3 of the Carl D.
22 Perkins Career and Technical Education Act of
23 2006 (20 U.S.C. 2302).

24 (6) WORKFORCE DEVELOPMENT BOARD.—The
25 term “workforce development board” means a State

1 board or a local board, as such terms are defined in
2 section 3 of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3102).

4 **SEC. 845. ADDITIONAL TESTING OF COMMERCIAL E-COM-**
5 **MERCE PORTAL MODELS.**

6 Section 846(c) of the National Defense Authorization
7 Act for Fiscal Year 2018 (41 U.S.C. 1901 note) is amend-
8 ed by adding at the end the following new paragraphs:

9 “(5) **ADDITIONAL TESTING.**—Not later than 90
10 days after the date of the enactment of this para-
11 graph, the Administrator shall—

12 “(A) begin testing commercial e-commerce
13 portal models other than any commercial e-com-
14 merce portal identified in the recommendations
15 issued under paragraph (3); and

16 “(B) shall submit to the congressional de-
17 fense committees a report that includes—

18 “(i) a summary of the assessments
19 conducted under subsection (c)(2) with re-
20 spect to a commercial e-commerce portal
21 provider identified in the recommendations
22 issued under subsection (c)(3);

23 “(ii) a list of the types of commercial
24 products procured from such provider;

1 “(iii) the amount spent by the head of
2 a department or agency under the pro-
3 gram, disaggregated by type of commercial
4 product and commercial e-commerce portal
5 provider;

6 “(iv) a update on the commercial e-
7 commerce portal models being tested and a
8 timeline for completion of such testing.

9 “(6) REPORT.—Upon completion of testing con-
10 ducted under paragraph (5) and before taking any
11 action with respect to the commercial e-commerce
12 portal models tested, the Administrator of General
13 Services shall submit to the congressional defense
14 committees a report on the results of such testing
15 that includes—

16 “(A) an assessment and comparison of
17 commercial e-commerce portal providers with
18 respect to—

19 “(i) price and quality of the commer-
20 cial product supplied by each commercial
21 e-commerce portal model;

22 “(ii) supplier reliability and service;

23 “(iii) safeguards for the security of
24 Government information and third-party
25 supplier proprietary information;

1 “(iv) protections against counterfeit
2 commercial products;

3 “(v) supply chain risks, particularly
4 with respect to complex commercial prod-
5 ucts; and

6 “(vi) overall adherence to Federal pro-
7 curement rules and policies; and

8 “(B) an analysis of the costs and benefits
9 of the convenience to the Federal Government
10 of procuring commercial products from each
11 commercial e-commerce portal providers.”.

12 **SEC. 846. SUPPORT FOR INDUSTRY PARTICIPATION IN**
13 **GLOBAL STANDARDS ORGANIZATIONS.**

14 (a) DEFINITION.—In this section:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the Small Busi-
17 ness Administration.

18 (2) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means the following:

21 (A) The Committee on Science, Space, and
22 Technology of the House of Representatives.

23 (B) The Committee on Commerce, Science,
24 and Transportation of the Senate.

1 (C) The Committee on Energy and Com-
2 merce of the House of Representatives.

3 (D) The Committee on Energy and Nat-
4 ural Resources of the Senate.

5 (E) The Committee on Small Business of
6 the House of Representatives.

7 (F) The Committee on Small Business and
8 Entrepreneurship of the Senate.

9 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-
10 tificial intelligence” has the meaning given the term
11 in section 238(g) of the John S. McCain National
12 Defense Authorization Act for Fiscal Year 2019 (10
13 U.S.C. 2358 note).

14 (4) COVERED ENTITY.—The term “covered en-
15 tity” means a small business concern that is incor-
16 porated and maintains a primary place of business
17 in the United States.

18 (5) SMALL BUSINESS CONCERN.—The term
19 “small business concern” has the meaning given the
20 term in section 3 of the Small Business Act (15
21 U.S.C. 632).

22 (b) ESTABLISHMENT.—Not later than 180 days after
23 the date of enactment of this Act, the Administrator shall
24 establish a program to support participation by covered
25 entities in meetings and proceedings of standards develop-

1 ment organizations in the development of voluntary tech-
2 nical standards.

3 (c) ACTIVITIES.—In carrying out the program estab-
4 lished under subsection (a), the Administrator shall award
5 competitive, merit-reviewed grants to covered entities to
6 cover the reasonable costs, up to a specified ceiling, of par-
7 ticipation of employees of those covered entities in meet-
8 ings and proceedings of standards development organiza-
9 tions, including—

10 (1) regularly attending meetings;

11 (2) contributing expertise and research;

12 (3) proposing new work items; and

13 (4) volunteering for leadership roles such as a
14 convener or editor.

15 (d) AWARD CRITERIA.—The Administrator may only
16 provide a grant under this section to a covered entity
17 that—

18 (1) demonstrates deep technical expertise in key
19 emerging technologies and technical standards, in-
20 cluding artificial intelligence and related technologies
21 (such as distributed ledger or cryptographic tech-
22 nologies);

23 (2) commits personnel with such expertise to
24 regular participation in global bodies responsible for

1 developing standards for such technologies over the
2 period of the grant;

3 (3) agrees to participate in efforts to coordinate
4 between the Federal Government and industry to en-
5 sure protection of national security interests in the
6 setting of global standards so long as such standards
7 are not dictated by the Federal Government; and

8 (4) provides a plan to the Administrator that
9 details the relationship between the activities de-
10 scribed in paragraphs (1), (2), and (3) and the pro-
11 posed standards to be adopted.

12 (e) NO MATCHING CONTRIBUTION.—A recipient of
13 an award under this section shall not be required to pro-
14 vide a matching contribution.

15 (f) EVALUATION.—

16 (1) IN GENERAL.—In making awards under
17 this section, the Administrator shall coordinate with
18 the Director of the National Institute of Standards
19 and Technology, who shall provide support in the as-
20 sessment of technical expertise in emerging tech-
21 nologies and standards setting needs.

22 (2) PANEL RANKING.—In carrying out the re-
23 quirements under paragraph (1), the Administrator
24 and the Director shall jointly establish a panel of ex-
25 perts to rank the proposed standards, based on

1 merit and relevance, to be composed of experts
2 from—

3 (A) private industry;

4 (B) non-profit institutions;

5 (C) non-profit standards development orga-
6 nizations;

7 (D) academia; and

8 (E) the Federal Government.

9 (g) REPORT.—Not less than annually, the Adminis-
10 trator shall submit to the appropriate congressional com-
11 mittees a report on—

12 (1) the efficacy of the program;

13 (2) an explanation of any standard adopted as
14 a result of the program;

15 (3) any challenges faced in carrying out the
16 program; and

17 (4) proposed solutions to the challenges identi-
18 fied in paragraph (3).

19 **SEC. 847. PILOT PROGRAM ON DEFENSE INNOVATION OPEN**
20 **TOPICS.**

21 (a) ESTABLISHMENT.—Not later than 180 days after
22 the date of enactment of this Act, the Secretary of De-
23 fense, in coordination with the Under Secretary of Defense
24 for Research and Engineering, the Secretary of the Air
25 Force, Secretary of the Army, and Secretary of the Navy,

1 shall establish defense innovation open topic activities
2 using the Small Business Innovation Research Program
3 in order to—

4 (1) increase the transition of commercial tech-
5 nology to the Department of Defense;

6 (2) expand the small business nontraditional
7 defense industrial base;

8 (3) increase commercialization derived from de-
9 fense investments;

10 (4) increase diversity and participation among
11 self-certified small-disadvantaged businesses, minor-
12 ity-owned businesses, and disabled veteran-owned
13 businesses; and

14 (5) expand the ability for qualifying small busi-
15 nesses to propose technology solutions to meet de-
16 fense needs.

17 (b) FREQUENCY.—The Department of Defense and
18 Military Services shall conduct not less than one open
19 topic announcement per fiscal year.

20 (c) BRIEFING.—Not later than 180 days after the
21 date of enactment of this Act, the Secretary of Defense
22 shall provide the congressional defense committees a brief-
23 ing on the establishment of the program required by sub-
24 section (a).

1 (d) TERMINATION.—The pilot program authorized in
2 subsection (a) shall terminate on October 1, 2025.

3 **SEC. 848. REPORT ON CYBERSECURITY MATURITY MODEL**
4 **CERTIFICATION EFFECTS ON SMALL BUSI-**
5 **NESS.**

6 Not later than 120 days after the date of the enact-
7 ment of this Act, the Secretary of Defense shall submit
8 to Committee on Armed Services of the House of Rep-
9 resentatives and the Committee on Small Business of the
10 House of Representatives a report on the effects of the
11 Cybersecurity Maturity Model Certification framework of
12 the Department of Defense on small business concerns (as
13 defined under section 3 of the Small Business Act (15
14 U.S.C. 632), including—

15 (1) the estimated costs of complying with each
16 level of the framework;

17 (2) any decrease in the number of small busi-
18 ness concerns that are part of the defense industrial
19 base resulting from the implementation and use of
20 the framework; and

21 (3) an explanation of how the Department of
22 Defense will mitigate the negative effects to small
23 business concerns that are part of the defense indus-
24 trial base resulting from the implementation and use
25 of the framework.

1 **Subtitle E—Other Matters**

2 **SEC. 851. MISSION MANAGEMENT PILOT PROGRAM.**

3 (a) IN GENERAL.—Subject to the availability of ap-
4 propriations, the Secretary of Defense shall establish with-
5 in the Strategic Capabilities Office of the Department of
6 Defense a pilot program to identify lessons learned and
7 improved mission outcomes achieved by quickly delivering
8 solutions that fulfill critical operational needs arising from
9 cross-service missions undertaken by combatant com-
10 mands through the use of a coordinated and iterative ap-
11 proach to develop, evaluate, and transition such solutions.

12 (b) MISSIONS SELECTION.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (3), the Deputy Secretary of Defense shall se-
15 lect missions with respect to which to carry out the
16 pilot program.

17 (2) SELECTION CRITERIA.—When selecting mis-
18 sions under paragraph (1), the Deputy Secretary of
19 Defense shall—

20 (A) select missions with critical cross-serv-
21 ice operational needs; and

22 (B) consider—

23 (i) the strategic importance of the
24 critical cross-service operational needs to

1 the operational plans of the relevant com-
2 batant commands; and

3 (ii) the advice of the Cross-Functional
4 Teams of the Strategic Capabilities Office
5 regarding mission selection.

6 (3) INITIAL MISSION.—

7 (A) IN GENERAL.—Not later than four
8 months after the date of the enactment of this
9 section, the Director of the Strategic Capabili-
10 ties Office shall select a mission under the pilot
11 program that has critical cross-service oper-
12 ational needs and which is of strategic impor-
13 tance to the operational plans of the United
14 States Indo-Pacific Command.

15 (B) MISSION SELECTION APPROVAL.—The
16 mission selected by the Director of the Strategic
17 Capabilities Office under subparagraph (A)
18 shall be subject to the approval of the Deputy
19 Secretary of Defense.

20 (c) MISSION MANAGERS.—

21 (1) IN GENERAL.—A mission manager shall
22 carry out the pilot program with respect to each
23 mission.

24 (2) RESPONSIBILITIES.—With respect to each
25 mission, the relevant mission manager shall—

1 (A) identify critical cross-service oper-
2 ational needs by enumerating the options avail-
3 able to the combatant command responsible for
4 carrying out such mission and determining the
5 resiliency of such options to threats from adver-
6 saries;

7 (B) in coordination with the military serv-
8 ices and appropriate Defense Agencies and
9 Field Activities, develop and deliver solutions,
10 including software and information technology
11 solutions and other functionalities unaligned
12 with any one weapon system of a covered
13 Armed Service, to—

14 (i) fulfill critical cross-service oper-
15 ational needs; and

16 (ii) address future changes to existing
17 critical cross-service operational needs by
18 providing additional capabilities;

19 (C) work with the combatant command re-
20 sponsible for such mission and the related plan-
21 ning organizers, service program managers, and
22 defense research and development activities to
23 carry out iterative testing and support to initial
24 operational fielding of the solutions described in
25 subparagraph (B);

1 (D) conduct research, development, test,
2 evaluation, and transition support activities
3 with respect to the delivery of the solutions de-
4 scribed in subparagraph (B);

5 (E) seek to integrate existing, emerging,
6 and new capabilities available to the Depart-
7 ment of Defense in the development of the solu-
8 tions described in subparagraph (B); and

9 (F) provide to the Deputy Secretary of De-
10 fense mission management activity updates and
11 reporting on the use of funds under the pilot
12 program with respect to such mission.

13 (3) DIRECTOR OF THE STRATEGIC CAPABILI-
14 TIES OFFICE.—The Director of the Strategic Capa-
15 bilities Office shall be the mission manager for each
16 mission selected under subsection (b).

17 (4) ITERATIVE APPROACH.—The mission man-
18 ager shall, to the extent practicable, carry out the
19 pilot program with respect to each mission selected
20 under subsection (b) by integrating existing, emerg-
21 ing, and new military capabilities, and managing a
22 portfolio of small, iterative development and support
23 to initial operational fielding efforts.

24 (5) OTHER PROGRAM MANAGEMENT RESPON-
25 SIBILITIES.—The activities undertaken by the mis-

1 sion manager with respect to a mission, including
2 mission management, do not supersede or replace
3 the program management responsibilities of any
4 other individual that are related to such missions.

5 (d) DATA COLLECTION REQUIREMENT.—The Deputy
6 Secretary of Defense shall develop and implement a plan
7 to collect and analyze data on the pilot program for the
8 purposes of—

9 (1) developing and sharing best practices for
10 applying emerging technology and supporting new
11 operational concepts to improve outcomes on key
12 military missions and operational challenges; and

13 (2) providing information to the leadership of
14 the Department on the implementation of the pilot
15 program and related policy issues.

16 (e) ASSESSMENTS.—During the five-year period be-
17 ginning on the date of the enactment of this Act, the Dep-
18 uty Secretary of Defense shall regularly assess—

19 (1) the authorities required by the missions
20 manager to effectively and efficiently carry out the
21 pilot program with respect to the missions selected
22 under subsection (b); and

23 (2) whether the mission manager has access to
24 sufficient funding to carry out the research, develop-
25 ment, test, evaluation, and support to initial oper-

1 ational fielding activities required to deliver solutions
2 fulfilling the critical cross-service operational needs
3 of the missions.

4 (f) BRIEFINGS.—

5 (1) SEMIANNUAL BRIEFING.—

6 (A) IN GENERAL.—Not later than July 1,
7 2022, and every six months thereafter until the
8 date that is five years after the date of the en-
9 actment of this Act, the mission manager shall
10 provide to the congressional defense committees
11 a briefing on the progress of the pilot program
12 with respect to each mission selected under sub-
13 section (b), the anticipated mission outcomes,
14 and the funds used to carry out the pilot pro-
15 gram with respect to such mission.

16 (B) INITIAL BRIEFING.—The Deputy Sec-
17 retary of Defense shall include in the first brief-
18 ing submitted under subparagraph (A) a brief-
19 ing on the implementation of the pilot program,
20 including—

21 (i) the actions taken to implement the
22 pilot program;

23 (ii) an assessment of the pilot pro-
24 gram;

1 (iii) requests for Congress to provide
2 authorities required to successfully carry
3 out the pilot program; and

4 (iv) a description of the data plan re-
5 quired under subsection (d).

6 (2) ANNUAL BRIEFING.—Not later than one
7 year after the date on which the pilot program is es-
8 tablished, and annually thereafter until the date that
9 is five years after the date of the enactment of this
10 Act, the Deputy Secretary of Defense shall submit
11 to the congressional defense committees a briefing
12 on the pilot program, including—

13 (A) the data collected and analysis per-
14 formed under subsection (d);

15 (B) lessons learned;

16 (C) the priorities for future activities of
17 the pilot program; and

18 (D) such other information as the Deputy
19 Secretary determines appropriate.

20 (3) RECOMMENDATION.—Not later than two
21 years after the date of the enactment of this Act, the
22 Deputy Secretary of Defense shall submit to Con-
23 gress a briefing on the recommendations of the Dep-
24 uty Secretary with respect to the pilot program and
25 shall concurrently submit to Congress—

1 (A) a written assessment of the pilot pro-
2 gram;

3 (B) a written recommendation on con-
4 tinuing or expanding the mission integration
5 pilot program;

6 (C) requests for Congress to provide au-
7 thorities required to successfully carry out the
8 pilot program; and

9 (D) the data collected and analysis per-
10 formed under subsection (d).

11 (g) TRANSITION.—Beginning in fiscal year 2025, the
12 Deputy Secretary of Defense may transition responsibil-
13 ities for research, development, test, evaluation, and sup-
14 port to initial operational fielding activities started under
15 the pilot program to other elements of the Department
16 for purposes of delivering solutions fulfilling critical cross-
17 service operational needs.

18 (h) TERMINATION DATE.—The pilot program shall
19 terminate on the date that is 5 years after the date of
20 the enactment of this Act.

21 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed as providing any authority not oth-
23 erwise provided by law to procure, or enter agreements
24 to procure, any goods, materials, or services.

25 (j) DEFINITIONS.—In this section:

1 (1) COVERED ARMED FORCE.—The term “cov-
2 ered Armed Force” means—

3 (A) the Army;

4 (B) the Navy;

5 (C) the Air Force;

6 (D) the Marine Corps; or

7 (E) the Space Force.

8 (2) CROSS-FUNCTIONAL TEAMS OF THE STRA-
9 TEGIC CAPABILITIES OFFICE.—The term “Cross-
10 Functional Teams of the Strategic Capabilities Of-
11 fice” means the teams established in the Strategic
12 Capabilities Office of the Department of Defense
13 pursuant to section 233(b) of the National Defense
14 Authorization Act for Fiscal Year 2020 (Public Law
15 116–92; 133 Stat. 1277; 10 U.S.C. 132 note).

16 (3) CROSS-SERVICE.—The term “cross-service”
17 means pertaining to multiple covered Armed Forces.

18 (4) CROSS-SERVICE OPERATIONAL NEED.—The
19 term “cross-service operational need” means an
20 operational need arising from a mission undertaken
21 by a combatant command which involves multiple
22 covered Armed Forces.

23 (5) DEFENSE AGENCY; MILITARY DEPART-
24 MENT.—The terms “Defense Agency” and “military

1 department” have the meanings given such terms in
2 section 101(a) of title 10, United States Code.

3 (6) FIELD ACTIVITY.—The term “Field Activ-
4 ity” has the meaning given the term “Department of
5 Defense Field Activity” in section 101(a) of title 10,
6 United States Code.

7 (7) MISSION MANAGEMENT.—The term “mis-
8 sion management” means the integration of mate-
9 riel, digital, and operational elements to improve de-
10 fensive and offensive options and outcomes for a
11 specific mission or operational challenge.

12 (8) PILOT PROGRAM.—The term “pilot pro-
13 gram” means the pilot program established under
14 subsection (a).

15 **SEC. 852. PILOT PROGRAM TO DETERMINE THE COST COM-**
16 **PETITIVENESS OF DROP-IN FUELS.**

17 (a) ESTABLISHMENT.—The Secretary of Defense, in
18 consultation with the Under Secretary of Defense for Ac-
19 quisition and Sustainment and the Under Secretary of De-
20 fense (Comptroller), shall establish a pilot program to de-
21 termine the cost competitiveness of the fully burdened cost
22 of drop-in fuels compared with the fully burdened cost of
23 traditional fuels using a scenario-based strategic sourcing
24 tool as described in subsection (b).

1 (b) USE OF SCENARIO-BASED STRATEGIC SOURCING
2 TOOL.—The Under Secretary of Defense (Comptroller),
3 in coordination with the Director of Defense Logistics
4 Agency, shall identify an aviation fuel program and use
5 a commercially available scenario-based strategic sourcing
6 tool to—

7 (1) analyze performance risks and benefits of
8 drop-in fuels compared to traditional fuels;

9 (2) determine cost-competitiveness of drop-in
10 fuels compared to traditional fuels;

11 (3) improve supplier performance of contracts
12 to procure aviation fuel; and

13 (4) minimize risk, increase transparency, and
14 manage unforeseen circumstances for the Depart-
15 ment of Defense.

16 (c) DOCUMENTATION.—The Under Secretary of De-
17 fense (Comptroller) shall use the scenario-based strategic
18 sourcing tool described in subsection (b) to maintain docu-
19 mentation of the costs of each such contract in order to
20 develop better price estimates and procurement strategies
21 for acquiring aviation fuel.

22 (d) REPORT.—Not later than September 30, 2022,
23 and annually thereafter until the termination date de-
24 scribed in subsection (f), the Secretary of Defense shall
25 submit a report to the congressional defense committees

1 on the status and impact of the pilot program established
2 under this section.

3 (e) DEFINITIONS.—In this section:

4 (1) The terms “drop-in fuel”, “fully burdened
5 cost”, and “traditional fuel” have the meanings
6 given, respectively, in section 2922h of title 10,
7 United States Code.

8 (2) The term “scenario-based strategic
9 sourcing” means a method for testing the supply
10 chain effects using automated software to model var-
11 ious scenarios relating to—

12 (A) contract management;

13 (B) spend analysis;

14 (C) supplier management;

15 (D) sourcing; and

16 (E) external market variables.

17 (f) TERMINATION.—The pilot program established
18 under this section shall terminate on September 30, 2027.

19 **SEC. 853. ASSURING INTEGRITY OF OVERSEAS FUEL SUP-**
20 **PLIES.**

21 (a) IN GENERAL.—Before awarding a contract to an
22 offeror for the supply of fuel for any overseas contingency
23 operation, the Secretary of Defense shall—

24 (1) ensure, to the maximum extent practicable,
25 that no otherwise responsible offeror is disqualified

1 for such award on the basis of an unsupported de-
2 nial of access to a facility or equipment by the host
3 nation government; and

4 (2) require assurances that the offeror will com-
5 ply with the requirements of subsections (b) and (c).

6 (b) REQUIREMENT.—An offeror for the supply of fuel
7 for any overseas contingency operation shall—

8 (1) certify that the provided fuel, in whole or in
9 part, or derivatives of such fuel, is not sourced from
10 a nation or region prohibited from selling petroleum
11 to the United States; and

12 (2) furnish such records as are necessary to
13 verify compliance with such anti-corruption statutes
14 and regulations as the Secretary determines nec-
15 essary, including—

16 (A) the Foreign Corrupt Practices Act (15
17 U.S.C. 78dd–1 et seq.);

18 (B) the regulations contained in parts 120
19 through 130 of title 22, Code of Federal Regu-
20 lations, or successor regulations (commonly
21 known as the “International Traffic in Arms
22 Regulations”);

23 (C) the regulations contained in parts 730
24 through 774 of title 15, Code of Federal Regu-
25 lations, or successor regulations (commonly

1 known as the “Export Administration Regula-
2 tions”); and

3 (D) such regulations as may be promul-
4 gated by the Office of Foreign Assets Control
5 of the Department of the Treasury.

6 (c) REPORT REQUIRED.—Not more than 180 days
7 after the award of a contract for the supply of fuel for
8 any overseas contingency operation that is greater than
9 \$50,000,000, the Inspector General of the Department of
10 Defense shall submit to the congressional defense commit-
11 tees a report including—

12 (1) an assessment of the price per gallon for
13 such fuel, along with an assessment of the price per
14 gallon for fuel paid by other entities in the same na-
15 tion or region of the nation; and

16 (2) an assessment of the ability of the con-
17 tractor awarded such contract to comply with sanc-
18 tions on Iran and monitor for violations of those
19 sanctions.

20 (d) APPLICABILITY.—Subsections (a), (b), and (c) of
21 this section shall apply with respect to contracts entered
22 into on or after the date of the enactment of this Act.

23 (e) AVOIDANCE OF USE OF LOWEST PRICE TECH-
24 NICALLY ACCEPTABLE SOURCE SELECTION CRITERIA
25 FOR FUEL PROCUREMENT AND FUEL-RELATED SERV-

1 ICES.—Section 813(c)(3) of the National Defense Author-
2 ization Act for Fiscal Year 2017 (10 U.S.C. 2305 note)
3 is amended by inserting “, including fuel procurement and
4 fuel-related services,” after “logistics services,”.

5 **SEC. 854. CADRE OF SOFTWARE DEVELOPMENT AND AC-**
6 **QUISITION EXPERTS.**

7 (a) CADRE OF SOFTWARE DEVELOPMENT AND AC-
8 QUISITION EXPERTS.—

9 (1) Not later than January 1, 2022, the Sec-
10 retary of Defense, acting through the Under Sec-
11 retary of Defense for Acquisition and Sustainment,
12 shall establish a cadre of personnel who are experts
13 in development and acquisition of software. The pur-
14 pose of the cadre is to ensure a consistent, strategic,
15 and highly knowledgeable approach to developing
16 and acquiring software by providing expert advice,
17 assistance, and resources to the acquisition work-
18 force in support of the policies established in accord-
19 ance with Department of Defense Instruction
20 5000.02, Operation of the Adaptive Acquisition
21 Framework, dated January 23, 2020.

22 (2) The Under Secretary shall establish an ap-
23 propriate leadership structure and office within
24 which the cadre shall be managed, and shall deter-

1 mine the appropriate official to whom members of
2 the cadre shall report.

3 (3) The cadre of experts shall be assigned to a
4 program office or an acquisition command within a
5 military department to advise, assist, and provide re-
6 sources to a program manager or program executive
7 officer on matters pertaining to software at various
8 stages of the life cycle of a system, including but not
9 limited to integration, testing, production, certifi-
10 cation, deployment of capabilities to the operational
11 environment, and maintenance. In performing such
12 duties, the experts shall—

13 (A) Advise and assist in integration of
14 modern software development practices such as
15 agile software development; development, secu-
16 rity, and operations (DevSecOps); and lean
17 practices.

18 (B) Advise and assist in leveraging indus-
19 try best practices for software development, de-
20 ployment, upgrades, and sustainment to include
21 contracting for software as a service, subscrip-
22 tion models, use of prime contractors to assist
23 in integration, and other methods for acquiring
24 or accessing capability.

1 (C) In conjunction with the Cadre of Intel-
2 lectual Property Experts established pursuant
3 to section 2322 of this title, develop a strategy
4 and licensing framework to enable government
5 procurement of commercial software, to include:

6 (i) in accordance with section 2377 of
7 this title, a preference for the acquisition
8 of commercial software under the license
9 customarily provided to the public, except
10 as specified in paragraphs (ii) and (iii);

11 (ii) identification of terms or condi-
12 tions that may be inconsistent with federal
13 procurement law;

14 (iii) identification of operational user
15 needs that may necessitate the negotiation
16 of customized licenses to ensure authorized
17 use in unique operational environments;
18 and

19 (iv) methods and procedures for use
20 of stand-alone software licensing in cases
21 where other contract vehicles are inappro-
22 priate or unavailable.

23 (D) Establish and lead cross-functional
24 government-industry teams that include oper-
25 ational users, data and system architects, ex-

1 perts in artificial intelligence, developmental
2 and operational testers, software developers,
3 and cybersecurity experts to deliver software
4 rapidly and iteratively to meet the highest pri-
5 ority user needs.

6 (E) Advise and assist in the development
7 of requirements, acquisition strategy, product
8 support strategy, and intellectual property
9 strategy for a system.

10 (F) Advise and assist in planning and
11 budgeting for agile software development and
12 deployment, and the sustainment of software
13 over the life-cycle of the program, to include
14 consideration of the shifting landscape of con-
15 tinual cyber threat and evolving cyber require-
16 ments.

17 (G) Conduct or assist with financial anal-
18 ysis, cost estimation, and valuation of software,
19 to include agile software development, to in-
20 clude valuation of embedded software as a
21 standalone product or as part of modular open
22 system approach.

23 (H) Assist in the drafting of a solicitation,
24 contract, or other transaction agreement.

1 (I) Interact with or assist in interactions
2 with contractors, including communications and
3 negotiations with contractors on solicitations
4 and awards.

5 (J) Foster culture change necessary to en-
6 able the Department of Defense to embrace and
7 leverage modern software practices by:

8 (i) recommending policies to ensure
9 program managers are empowered to set
10 and maintain the integrity of agile develop
11 process and priorities; and

12 (ii) educating key stakeholders in con-
13 siderations regarding the integration and
14 incorporation of agile software development
15 practices with systems acquired under the
16 major capability acquisition pathway.

17 (4)(A) In order to achieve the purpose set forth
18 in paragraph (1), the Under Secretary shall ensure
19 the cadre has the appropriate number of staff and
20 such staff possesses the necessary skills, knowledge,
21 and experience to carry out the duties under para-
22 graph (2), including in relevant areas of law, com-
23 mercial software licensing, contracting, acquisition,
24 logistics, engineering, financial analysis, cost esti-
25 mation, and valuation. The Under Secretary, in co-

1 ordination with the Defense Acquisition University
2 and in consultation with academia and industry,
3 shall develop a career path, including development
4 opportunities, exchanges, talent management pro-
5 grams, and training, for the cadre. The Under Sec-
6 retary may use existing authorities to staff the
7 cadre, including those in subparagraphs (B), (C),
8 (D), and (F).

9 (B) Civilian personnel from within the Of-
10 fice of the Secretary of Defense, Joint Staff,
11 military departments, Defense Agencies, and
12 combatant commands may be assigned to serve
13 as members of the cadre, upon request of the
14 Director.

15 (C) The Under Secretary may use the au-
16 thorities for highly qualified experts under sec-
17 tion 9903 of title 5, to hire experts as members
18 of the cadre who are skilled professionals in
19 software development and acquisition, commer-
20 cial software licensing, and related matters.

21 (D) The Under Secretary may enter into a
22 contract with a private-sector entity for special-
23 ized expertise to support the cadre. Such entity
24 may be considered a covered Government sup-

1 port contractor, as defined in section 2320 of
2 this title.

3 (E) In establishing the cadre, the Under
4 Secretary shall give preference to civilian em-
5 ployees of the Department of Defense, rather
6 than members of the armed forces, to maintain
7 continuity in the cadre.

8 (F) The Under Secretary is authorized to
9 use amounts in the Defense Acquisition Work-
10 force Development Fund for the purpose of re-
11 cruitment, training, and retention of the cadre,
12 including paying salaries of newly hired mem-
13 bers of the cadre for up to three years.

14 (G) In implementing this section, the
15 Under Secretary shall ensure compliance with
16 applicable total force management policies, re-
17 quirements, and restrictions provided in sec-
18 tions 129a, 2329, and 2461 of title 10, United
19 States Code.

20 (H) The Under Secretary shall ensure that
21 any contractor employee providing services in
22 support of, or participation in, the cadre estab-
23 lished under this section and is considered a
24 Special Government Employee as defined by
25 section 202 of title 18, United States Code, is

1 required to file a confidential financial disclo-
2 sure in accordance with the Ethics in Govern-
3 ment Act of 1978.

4 **SEC. 855. ACQUISITION PRACTICES AND POLICIES ASSESS-**
5 **MENT.**

6 (a) IN GENERAL.—The Department of Defense Cli-
7 mate Working Group established pursuant to Executive
8 Order 14008 (86 Fed. Reg. 7619, related to tackling the
9 climate crisis), in coordination with the Assistant Sec-
10 retary of Defense for Energy, Installations, and Environ-
11 ment, shall assess and develop recommendations for imple-
12 menting, in regulations, the acquisition practices and poli-
13 cies described in subsection (b) with respect to acquisitions
14 by the Department of Defense.

15 (b) ACQUISITION PRACTICES AND POLICIES.—The
16 practices and policies described in this subsection are—

17 (1) acquisition planning practices that promote
18 the acquisition of resilient and resource-efficient
19 goods and services and that support innovation in
20 environmental technologies, including—

21 (A) weighing the cost savings and resource
22 and energy preservation of environmentally
23 preferable goods or services against the speed
24 and uniformity of traditional goods or services

1 when identifying requirements or drafting the
2 statement of work;

3 (B) designing the technical specifications
4 that set product performance levels to diminish
5 greenhouse gas emissions;

6 (C) restricting the statement of work or
7 specifications to only environmentally preferable
8 goods or services where the quality, availability,
9 and price comparable to traditional goods or
10 services;

11 (D) engaging in public-private partnerships
12 with private sector and nonprofit institutions to
13 design, build, and fund resilient, low-carbon in-
14 frastructure;

15 (E) collaborating with local jurisdictions
16 surrounding military installations, with a focus
17 on military installations located in States with
18 established policies, guidance, and processes for
19 procuring goods and services in a manner that
20 minimizes environmental and social costs; and

21 (F) designing the technical specifications
22 for assessment and mitigation of risk to supply
23 chains from extreme weather and changes in
24 environmental conditions;

1 (2) source selection practices that promote the
2 acquisition of resilient and resource-efficient goods
3 and services and that support innovation in environ-
4 mental technologies, including—

5 (A) considering any resilience, low-carbon,
6 or low-toxicity criteria as competition factors on
7 the basis of which the award is made in addi-
8 tion to cost, past performance, and quality fac-
9 tors;

10 (B) using accepted standards, emissions
11 data, certifications, and labels to verify the en-
12 vironmental impact of a good or service and en-
13 hance procurement efficiency;

14 (C) training acquisition professionals to
15 evaluate the credibility of certifications and la-
16 bels purporting to convey information about the
17 environmental impact of a good or service; and

18 (D) considering all the costs of a good or
19 service that will be incurred throughout its life-
20 time by calculating and measuring operating
21 costs, maintenance, end of life costs, and resid-
22 ual value, including costs resulting from the
23 carbon and other greenhouse gas emissions as-
24 sociated with the good or service; and

1 (3) consideration of the external economic, envi-
2 ronmental, and social effects arising over the entire
3 life cycle of an acquisition when making acquisition
4 planning and source selection decisions.

5 (c) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the chair of the Department
7 of Defense Climate Working Group shall submit to the
8 congressional defense committees a report on the assess-
9 ment conducted under subsection (a), which shall include
10 the recommendations developed under such subsection.

11 (d) DEFINITIONS.—In this section:

12 (1) ENVIRONMENTALLY PREFERABLE.—The
13 term “environmentally preferable”, with respect to a
14 good or service, means that the good or service has
15 a lesser or reduced effect on human health and the
16 environment when compared with competing goods
17 or services that serve the same purpose. The com-
18 parison may consider raw materials acquisition, pro-
19 duction, manufacturing, packaging, distribution,
20 reuse, operation, maintenance, or disposal of the
21 good or service.

22 (2) RESOURCE-EFFICIENT GOODS AND SERV-
23 ICES.—The term “resource-efficient goods and serv-
24 ices” means goods and services—

1 (A) that use fewer resources than com-
2 peting goods and services to serve the same
3 purposes or achieve the same or substantially
4 similar result as such competing goods and
5 services; and

6 (B) for which the negative environmental
7 impacts across the full life cycle of such goods
8 and services are minimized.

9 **SEC. 856. REPORT ON IMPROVEMENTS TO PROCUREMENT**
10 **TECHNICAL ASSISTANCE PROGRAMS.**

11 Not later than March 1, 2022, the Secretary of De-
12 fense, in consultation with the Under Secretary of Defense
13 for Acquisition and Sustainment, shall submit to the con-
14 gressional defense committees a report on the status of
15 the implementation of the following three recommenda-
16 tions set forth in the report of the Government Account-
17 ability Office titled “Procurement Technical Assistance
18 Program: Opportunities Exist for DOD to Enhance Train-
19 ing and Collaboration” (GAO–21–287), dated March 31,
20 2021, to improve procurement technical assistance pro-
21 grams established under chapter 142 of title 10, United
22 States Code:

23 (1) The Under Secretary of Defense for Acqui-
24 sition and Sustainment should require procurement
25 technical assistance centers to use the template de-

1 developed by the Defense Logistics Agency to help
2 track fulfillment of training requirements.

3 (2) The Under Secretary of Defense for Acqui-
4 sition and Sustainment should reach an agreement
5 with the Association of procurement technical assist-
6 ance centers to provide the Defense Logistics Agen-
7 cy with the aggregate results of proficiency tests ad-
8 ministered to measure the effectiveness of procure-
9 ment technical assistance centers counselor training.

10 (3) The Under Secretary of Defense for Acqui-
11 sition and Sustainment should work with Adminis-
12 trator of the Small Business Administration to for-
13 malize a collaborative agreement for procurement
14 technical assistance centers and small business de-
15 velopment centers (as defined under section 3 of the
16 Small Business Act (15 U.S.C. 632)) in relation to
17 providing client services on government contracting.

18 **SEC. 857. REPORT ON COMMERCIAL ITEM DETERMINA-**
19 **TIONS.**

20 (a) IN GENERAL.—Not later than 180 days after en-
21 actment of this Act, the Undersecretary for Acquisitions
22 and Sustainment shall submit to the congressional defense
23 committees a report on commercial item determinations
24 containing the following:

1 (1) An accounting of the training available for
2 the acquisition workforce related to commercial item
3 determinations and price reasonableness determina-
4 tions under Federal Acquisition Regulations Part
5 12, including a description of the training, duration,
6 periodicity, whether the training is optional or man-
7 datory, and the date on which the training materials
8 were last substantially revised.

9 (2) An assessment of the currency of the acqui-
10 sition workforce in the training described in para-
11 graph (2).

12 (b) PUBLICATION.—The Undersecretary for Acquisi-
13 tions and Sustainment shall publish on an appropriate
14 publicly available website of the Department of Defense
15 the report required by subsection (a).

16 **SEC. 858. PILOT PROGRAM TO TRANSITION DIGITALLY SE-**
17 **CURED MANUFACTURING TECHNOLOGIES.**

18 (a) PROGRAM REQUIRED.—The Under Secretary of
19 Defense for Research and Engineering shall carry out a
20 pilot program to ensure the transition of digitally secured
21 manufacturing technologies developed by a manufacturing
22 innovation institute that is funded by the Department of
23 Defense to covered defense contractors to promote the de-
24 velopment of digitally secured manufacturing technologies
25 to—

1 (1) enhance and secure the supply chain for
2 such digitally secured manufacturing technologies
3 for use in weapon systems; and

4 (2) ensure increased quality and decreased costs
5 of such digitally secured manufacturing technologies.

6 (b) PARTNERSHIP.—Under the pilot program, the
7 Under Secretary shall reimburse related costs to covered
8 defense contractors to facilitate the transition of digitally
9 secured manufacturing technologies from such manufac-
10 turing innovation institutes to such covered defense con-
11 tractors.

12 (c) ANNUAL REPORT.—Not later than 90 days after
13 the last day of each fiscal year during which the pilot pro-
14 gram is operational, the Under Secretary of Defense for
15 Research and Engineering shall submit to the Committees
16 on Armed Services of the Senate and the House of Rep-
17 resentatives a briefing on participation in and the impact
18 of the pilot program.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “covered defense contractor”
21 means a contractor in the defense industrial base
22 that—

23 (A) manufactures and delivers aircraft,
24 ships, vehicles, weaponry, or electronic systems;

25 or

1 (B) provides services, such as logistics or
2 engineering support, to the Department of De-
3 fense.

4 (2) The term “digitally secured manufacturing
5 technology” means an existing or experimental man-
6 ufacturing technology determined by the Under Sec-
7 retary of Defense for Research and Engineering to
8 meet the needs of the Department of Defense.

9 (e) TERMINATION.—The pilot program established
10 under this section shall terminate 3 years after the date
11 of the enactment of this Act.

12 (f) INCREASE.—Notwithstanding the amounts set
13 forth in the funding tables in division D, the amount au-
14 thorized to be appropriated in section 201 for research,
15 development, test, and evaluation, as specified in the cor-
16 responding funding table in section 4201, for Manufac-
17 turing Technology Program, line 051 is hereby increased
18 by \$3,000,000.

19 (g) OFFSET.—Notwithstanding the amounts set forth
20 in the funding tables in division D, the amount authorized
21 to be appropriated in section 301 for operation and main-
22 tenance, as specified in the corresponding funding table
23 in section 4301, for Office of the Secretary of Defense,
24 line 540 is hereby reduced by \$3,000,000.

1 **SEC. 859. BRIEFING ON EXPANDED SMALL UNMANNED AIR-**
2 **CRAFT SYSTEMS CAPABILITY.**

3 The Secretary of Defense shall, not later than Janu-
4 ary 30, 2022, provide a briefing to the Committee on
5 Armed Services of the House of Representatives on the
6 evaluation of commercially available small unmanned air-
7 craft systems (hereinafter referred to as “sUAS”) with ca-
8 pabilities that align with the Department’s priorities, in-
9 cluding—

10 (1) the timing of the release of the updated list
11 titled “Blue sUAS 2.0” of the Defense Innovation
12 Unit that contains available fixed wing and multi-
13 rotor commercial small unmanned aircraft systems
14 compliant with section 848 of the National Defense
15 Authorization Act for Fiscal Year 2020 (Public Law
16 116–92); and

17 (2) the advisability and feasibility of adding
18 end-to-end sUAS solutions to such list, including the
19 sUAS, supporting field management software, tech-
20 nical support, and training, all provided as an inte-
21 grated collection and analysis capability.

22 **SEC. 860. WAIVER AUTHORIZATION STREAMLINING.**

23 Section 8(a)(21) of the Small Business Act (15
24 U.S.C. 637(a)(21)) is amended—

1 (1) in subparagraph (A), by striking “subpara-
2 graph (B)” and inserting “subparagraphs (B) and
3 (F)”;

4 (2) in subparagraph (B)—

5 (A) by striking clause (iii); and

6 (B) by redesignating clauses (iv) and (v)
7 as clauses (iii) and (iv), respectively;

8 (3) by moving subparagraph (C) two ems to the
9 left; and

10 (4) by adding at the end the following new sub-
11 paragraph:

12 “(F) In the event either a contract awarded pursuant
13 to this subsection or ownership and control of a concern
14 performing a contract awarded pursuant to this subsection
15 will pass to another small business concern, the require-
16 ments of subparagraph (A) shall not apply if—

17 “(i) the acquiring small business concern is a
18 program participant; and

19 “(ii) upon a request submitted prior to the pas-
20 sage of the contract or the actual relinquishment of
21 ownership and control, as applicable, the Adminis-
22 trator (or the delegee of the Administrator) deter-
23 mines that the acquiring small business concern
24 would otherwise be eligible to directly receive the
25 award pursuant to this subsection.”.

1 **SEC. 861. MODIFICATIONS TO GOVERNMENTWIDE GOALS**
2 **FOR SMALL BUSINESS CONCERNS.**

3 Section 15(g)(1)(A) of the Small Business Act (15
4 U.S.C. 644(g)(1)) is amended—

5 (1) in clause (i), by striking “23 percent” and
6 inserting “25 percent”;

7 (2) in clause (ii), by striking “3 percent” and
8 inserting “4 percent”;

9 (3) in clause (iii), by striking “3 percent” and
10 inserting “4 percent”;

11 (4) in clause (iv), by striking “at not less than”
12 and all that follows and inserting the following: “at
13 not less than—

14 “(I) 11 percent of the total value
15 of all prime contract and subcontract
16 awards for fiscal year 2022;

17 “(II) 12 percent of the total
18 value of all prime contract and sub-
19 contract awards for fiscal year 2023;

20 “(III) 13 percent of the total
21 value of all prime contract and sub-
22 contract awards for fiscal year 2024;
23 and

24 “(IV) 15 percent of the total
25 value of all prime contract and sub-

1 contract awards for fiscal year 2025
2 and each fiscal year thereafter.”; and

3 (5) in clause (v), by striking “at not less than”
4 and all that follows and inserting the following: “at
5 not less than—

6 “(I) 6 percent of the total value
7 of all prime contract and subcontract
8 awards for each of fiscal years 2022
9 and 2023; and

10 “(II) 7 percent of the total value
11 of all prime contract and subcontract
12 awards for fiscal year 2024 and each
13 fiscal year thereafter.”.

14 **SEC. 862. DUTIES OF SMALL BUSINESS DEVELOPMENT CEN-**
15 **TER COUNSELORS.**

16 Section 21 of the Small Business Act (15 U.S.C. 648)
17 is amended by adding at the end the following:

18 “(o) CYBER STRATEGY TRAINING FOR SMALL BUSI-
19 NESS DEVELOPMENT CENTERS.—

20 “(1) DEFINITIONS.—In this subsection—

21 “(A) the term ‘cyber strategy’ means re-
22 sources and tactics to assist in planning for cy-
23 bersecurity and defending against cyber risks
24 and cyber attacks; and

1 “(B) the term ‘lead small business develop-
2 ment center’ means a small business develop-
3 ment center that has received a grant from the
4 Administration.

5 “(2) CERTIFICATION PROGRAM.—The Adminis-
6 trator shall establish a cyber counseling certification
7 program, or approve a similar existing program, to
8 certify the employees of lead small business develop-
9 ment centers to provide cyber planning assistance to
10 small business concerns.

11 “(3) NUMBER OF CERTIFIED EMPLOYEES.—
12 The Administrator shall ensure that the number of
13 employees of each lead small business development
14 center who are certified in providing cyber planning
15 assistance under this subsection is not fewer than
16 the lesser of—

17 “(A) 5; or

18 “(B) 10 percent of the total number of em-
19 ployees of the lead small business development
20 center.

21 “(4) CONSIDERATION OF SMALL BUSINESS DE-
22 VELOPMENT CENTER CYBER STRATEGY.—In car-
23 rying out this subsection, the Administrator, to the
24 extent practicable, shall consider any cyber strategy
25 methods included in the Small Business Develop-

1 ment Center Cyber Strategy developed under section
2 1841(a) of the National Defense Authorization Act
3 for Fiscal Year 2017 (Public Law 114–328; 130
4 Stat. 2662).

5 “(5) REIMBURSEMENT FOR CERTIFICATION.—

6 “(A) IN GENERAL.—Subject to the avail-
7 ability of appropriations and subparagraph (B),
8 the Administrator shall reimburse a lead small
9 business development center for costs relating
10 to the certification of an employee of the lead
11 small business development center under the
12 program established under paragraph (2).

13 “(B) LIMITATION.—The total amount re-
14 imbursement by the Administrator under subpara-
15 graph (A) may not exceed \$350,000 in any fis-
16 cal year.”.

17 **SEC. 863. COMPTROLLER GENERAL REPORT ON MERGERS**
18 **AND ACQUISITIONS IN THE DEFENSE INDUS-**
19 **TRIAL BASE.**

20 Not later than March 1, 2022, the Comptroller Gen-
21 eral of the United States shall submit to Congress a report
22 on the impact of mergers and acquisitions of defense in-
23 dustrial base contractors on the procurement processes of
24 the Department of Defense.

1 **SEC. 864. EXEMPTION OF CERTAIN CONTRACTS AWARDED**
2 **TO SMALL BUSINESS CONCERNS FROM CAT-**
3 **EGORY MANAGEMENT REQUIREMENTS.**

4 (a) IN GENERAL.—The Small Business Act is
5 amended—

6 (1) by redesignating section 49 as section 50;

7 and

8 (2) by inserting after section 48 the following
9 new section:

10 **“SEC. 49. EXEMPTION OF CERTAIN CONTRACTS FROM CAT-**
11 **EGORY MANAGEMENT REQUIREMENTS.**

12 “(a) IN GENERAL.—A contract awarded under sec-
13 tion 8(a), 8(m), 31, or 36 that is classified as tier 0—

14 “(1) shall be exempt from the procedural re-
15 quirements of any Federal rule or guidance on cat-
16 egory management or successor strategies for con-
17 tract consolidation; and

18 “(2) shall not be included when measuring the
19 attainment of any goal or benchmark established
20 under any Federal rule or guidance on category
21 management or successor strategies for contract
22 consolidation.

23 “(b) PROHIBITION.—With respect to a requirement
24 that was previously satisfied through a contract awarded
25 under section 8(a), the head of a Federal agency shall not
26 remove such requirement from a contract eligible for

1 award under section 8(a) and include such requirement
2 in a contract that is classified as tier 1, tier 2, or tier
3 3 without the Administrator's approval.

4 “(c) DEFINITIONS.—In this section:

5 “(1) CATEGORY MANAGEMENT.—The term ‘cat-
6 egory management’ has the meaning given by the
7 Director of the Office of Management and Budget.

8 “(2) TIER 0; TIER 1; TIER 2; TIER 3.—The
9 terms ‘tier 0’, ‘tier 1’, ‘tier 2’, and ‘tier 3’ have the
10 meanings given such terms, respectively, by the Di-
11 rector of the Office of Management and Budget with
12 respect to the Spend Under Management tiered ma-
13 turity model, or any successor model.”.

14 (b) APPLICATION.—Section 49 of the Small Business
15 Act, as added by subsection (a), shall apply with respect
16 to contracts entered into on or after the date of the enact-
17 ment of this Act.

18 **SEC. 865. PROHIBITION ON CONTRACTING WITH PERSONS**
19 **WITH WILLFUL OR REPEATED VIOLATIONS**
20 **OF THE FAIR LABOR STANDARDS ACT OF**
21 **1938.**

22 The head of a Federal department or agency (as de-
23 fined in section 102 of title 40, United States Code) shall
24 initiate a debarment proceeding with respect to a person
25 for whom information regarding four or more willful or

1 repeated violation of the Fair Labor Standards Act of
2 1938 (29 U.S.C. 201 et seq.) as determined by a disposi-
3 tion described under subsection (c)(1) of section 2313 of
4 title 41, United States Code, and issued in the last four
5 years, is included in the database established under sub-
6 section (a) of such section. The head of the department
7 or agency shall use discretion in determining whether the
8 debarment is temporary or permanent.

9 **SEC. 866. DOMESTICALLY SOURCED ALTERNATIVES.**

10 The Secretary of Defense should acquire domestically
11 sourced alternatives to existing defense products for the
12 design, development, and production of priority Depart-
13 ment of Defense projects to include further developing
14 high efficiency power conversion technology and manufac-
15 turing advanced AC-DC power converters that improve
16 performance for the dismounted soldier.

17 **SEC. 867. REPORT ON DUPLICATIVE INFORMATION TECH-**
18 **NOLOGY CONTRACTS.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to Congress a report on efforts within the Department of
22 Defense to reduce duplicative information technology con-
23 tracts.

1 **SEC. 868. REESTABLISHMENT OF COMMISSION ON WAR-**
2 **TIME CONTRACTING.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Wartime Contracting Commission Reauthorization of
5 2021”.

6 (b) **IN GENERAL.**—There is hereby reestablished in
7 the legislative branch under section 841 of the National
8 Defense Authorization Act for Fiscal Year 2008 (Public
9 Law 110–181; 122 Stat. 230) the Commission on War-
10 time Contracting.

11 (c) **AMENDMENT TO DUTIES.**—Section 841(c)(1) of
12 the National Defense Authorization Act for Fiscal Year
13 2008 (Public Law 110–181; 122 Stat. 231) is amended
14 to read as follows:

15 “(1) **GENERAL DUTIES.**—The Commission shall
16 study the following matters:

17 “(A) Federal agency contracting funded by
18 overseas contingency operations funds.

19 “(B) Federal agency contracting for the
20 logistical support of coalition forces operating
21 under the authority of either the Authorization
22 for Use of Military Force (Public Law 107–40;
23 50 U.S.C. 1541 note) or the Authorization for
24 Use of Military Force Against Iraq Resolution
25 of 2002 (Public Law 107–243; 50 U.S.C. 1541
26 note).

1 “(C) Federal agency contracting for the
2 performance of security functions in countries
3 where coalition forces operate under the author-
4 ity of either the Authorization for Use of Mili-
5 tary Force (Public Law 107–40; 50 U.S.C.
6 1541 note) or the Authorization for Use of
7 Military Force Against Iraq Resolution of 2002
8 (Public Law 107–243; 50 U.S.C. 1541 note).”.

9 (d) CONFORMING AMENDMENTS.—Section 841 of the
10 National of the National Defense Authorization Act for
11 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230)
12 is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1), by striking “the
15 Committee on Oversight and Government Re-
16 form” each place it appears, and inserting “the
17 Committee on Oversight and Reform”;

18 (B) in paragraph (2), by striking “of this
19 Act” and inserting “of the Wartime Con-
20 tracting Commission Reauthorization of 2021”;
21 and

22 (C) in paragraph (4), by striking “was
23 first established” each place it appears, and in-
24 serting “was reestablished by the Wartime Con-

1 tracting Commission Reauthorization of 2021”;
2 and

3 (2) in subsection (d)(1), by striking “On March
4 1, 2009” and inserting “Not later than one year
5 after the date of enactment of the Wartime Con-
6 tracting Commission Reauthorization of 2021”.

7 **SEC. 869. APPLICATION OF PRICE EVALUATION PREF-**
8 **ERENCE FOR QUALIFIED HUBZONE SMALL**
9 **BUSINESS CONCERNS TO CERTAIN CON-**
10 **TRACTS.**

11 (a) IN GENERAL.—Section 31(c)(3) of the Small
12 Business Act (15 U.S.C. 657a(c)(3)) is amended by add-
13 ing at the end the following new subparagraph:

14 “(E) APPLICATION TO CERTAIN CON-
15 TRACTS.—The requirements of subparagraph
16 (A) shall apply to an unrestricted order issued
17 under an unrestricted multiple award contract
18 or the unrestricted portion of a contract that is
19 partially set aside for competition restricted to
20 small business concerns.”.

21 (b) RULEMAKING.—Not later than 90 days after the
22 date of the enactment of this section, the Administrator
23 of the Small Business Administration shall revise any rule
24 or guidance to implement the requirements of this section.

1 **SEC. 870. COMBATING TRAFFICKING IN PERSONS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that the United States Government should have a
4 zero tolerance policy for human trafficking, and it is of
5 vital importance that Government contractors who engage
6 in human trafficking be held accountable.

7 (b) ANALYSIS REQUIRED.—The Secretary of Defense
8 shall review the recommendations contained in the report
9 of the Comptroller General of the United States titled
10 “Human Trafficking: DOD Should Address Weaknesses
11 in Oversight of Contractors and Reporting of Investiga-
12 tions Related to Contracts” (dated August 2021; GAO-
13 21–546) and develop the following:

14 (1) Policies and processes to ensure contracting
15 officers of the Department of Defense be informed
16 of their responsibilities relating to combating traf-
17 ficking in persons and to ensure that such con-
18 tracting officers are accurately and completely re-
19 porting trafficking in persons investigations.

20 (2) Policies and processes to specify—

21 (A) the offices and individuals within the
22 Department that should be receiving and re-
23 porting on trafficking in persons incidents in-
24 volving contractors;

25 (B) the elements of the Department and
26 persons outside the Department that are re-

1 sponsible for reporting trafficking in persons in-
2 vestigations; and

3 (C) requirements relating to reporting such
4 incident in the Federal Awardee Performance
5 and Integrity Information System (or any other
6 contractor performance rating system).

7 (3) Policies and processes to ensure that com-
8 bating trafficking in persons monitoring is more ef-
9 fectively implemented through, among other things,
10 reviewing and monitoring contractor compliance
11 plans relating to combating trafficking in persons.

12 (4) Policies and processes to ensure the Sec-
13 retary of Defense has accurate and complete infor-
14 mation about compliance with acquisition-specific
15 training requirements relating to combating traf-
16 ficking in persons by contractors.

17 (5) A mechanism for ensuring completion of
18 such training within 30 days after a contractor be-
19 gins performance on a contract.

20 (6) An assessment of the resources and staff re-
21 quired to support oversight of combating trafficking
22 in persons, including resources and staff to validate
23 annual combating trafficking in persons self-assess-
24 ments by elements of the Department.

1 (c) INTERIM BRIEF.—Not later than 60 days after
2 the date of the enactment of this Act, the Secretary of
3 Defense shall brief the congressional defense committees,
4 the Committee on Oversight of the House of Representa-
5 tives, and the Committee on Homeland Security and Gov-
6 ernment Affairs of the Senate on the preliminary findings
7 of the analysis required by subsection (b).

8 (d) REPORT.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense shall submit to the congressional
12 defense committees, the Committee on Oversight of
13 the House of Representatives, and the Committee on
14 Homeland Security and Government Affairs of the
15 Senate the analysis required by subsection (b).

16 (2) FORM.—The report required by paragraph
17 (1) shall be submitted in unclassified form, but may
18 include a classified annex.

19 **SEC. 871. AUTHORITY FOR THE OFFICE OF HEARINGS AND**
20 **APPEALS TO DECIDE APPEALS RELATING TO**
21 **QUALIFIED HUBZONE SMALL BUSINESS CON-**
22 **CERNS.**

23 Not later than 1 year after the date of the enactment
24 of this Act, the Administrator of the Small Business Ad-
25 ministration shall issue a rule authorizing the Office of

1 Hearings and Appeals of the Administration to decide all
2 appeals from formal protest determinations in connection
3 with the status of a concern as qualified HUBZone small
4 business concern (as such term is defined in section 31(b)
5 of the Small Business Act (15 U.S.C. 657a(b)).

6 **SEC. 872. MICROLOAN PROGRAM; DEFINITIONS.**

7 Paragraph (11) of section 7(m) of the Small Business
8 Act (15 U.S.C. 636(m)(11)) is amended—

9 (1) in clause (ii) of subparagraph (C), by strik-
10 ing “rural” and all that follows to the end of the
11 clause and inserting “rural;”;

12 (2) in subparagraph (D), by striking the period
13 at the end and inserting “; and”; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(E) the term ‘State’ means each of the
17 several States, the District of Columbia, the
18 Commonwealth of Puerto Rico, the Virgin Is-
19 lands of the United States, Guam, the Com-
20 monwealth of the Northern Mariana Islands,
21 and American Samoa.”.

22 **SEC. 873. AMENDMENTS TO CONTRACTING AUTHORITY FOR**
23 **CERTAIN SMALL BUSINESS CONCERNS.**

24 (a) **SOCIALLY AND ECONOMICALLY DISADVANTAGED**
25 **SMALL BUSINESS CONCERNS.**—Section 8(a)(1)(D)(i)(II)

1 of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II))
2 is amended—

3 (1) by striking “\$7,000,000” and inserting
4 “\$10,000,000”; and

5 (2) by striking “\$3,000,000” and inserting
6 “\$8,000,000”.

7 (b) CERTAIN SMALL BUSINESS CONCERNS OWNED
8 AND CONTROLLED BY WOMEN.—Section 8(m) of the
9 Small Business Act (15 U.S.C. 637(m)) is amended—

10 (1) in paragraph (7)(B)—

11 (A) in clause (i), by striking “\$7,000,000”
12 and inserting “\$10,000,000”; and

13 (B) in clause (ii), by striking “\$4,000,000”
14 and inserting “\$8,000,000”; and

15 (2) in paragraph (8)(B)—

16 (A) in clause (i), by striking “\$7,000,000”
17 and inserting “\$10,000,000”; and

18 (B) in clause (ii), by striking “\$4,000,000”
19 and inserting “\$8,000,000”.

20 (c) QUALIFIED HUBZONE SMALL BUSINESS CON-
21 CERNS.—Section 31(c)(2)(A)(ii) of the Small Business
22 Act (15 U.S.C. 657a(c)(2)(A)(ii)) is amended—

23 (1) in subclause (I), by striking “\$7,000,000”
24 and inserting “\$10,000,000”; and

1 (2) in subclause (II), by striking “\$3,000,000”
2 and inserting “\$8,000,000”.

3 (d) SMALL BUSINESS CONCERNS OWNED AND CON-
4 TROLLED BY SERVICE-DISABLED VETERANS.—Section
5 36(c)(2)(A) of the Small Business Act (15 U.S.C. 657f)
6 is amended—

7 (1) in subparagraph (A), by striking
8 “\$7,000,000” and inserting “\$10,000,000”; and

9 (2) in subparagraph (B), by striking
10 “\$3,000,000” and inserting “\$8,000,000”.

11 (e) CERTAIN VETERAN-OWNED CONCERNS.—Section
12 8127(c) of title 38, United States Code, is amended by
13 striking “\$5,000,000” and inserting “the dollar thresholds
14 under section 36(c)(2)(A) of the Small Business Act”.

15 **SEC. 874. CONGRESSIONAL OVERSIGHT OF PRIVATE SECU-**
16 **RITY CONTRACTOR CONTRACTS AND PER-**
17 **SONNEL.**

18 (a) REPORT ON ACTIONS TAKEN TO IMPLEMENT
19 GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDA-
20 TIONS.—Not later than 60 days after the date of the en-
21 actment of this Act, the Secretary of Defense, in consulta-
22 tion with the Secretaries of the military departments (as
23 defined in section 101 of title 10, United States Code),
24 shall submit to the congressional defense committees a re-
25 port on the efforts and plans of the Department of De-

1 fense to implement the recommendations contained in the
2 report of the Government Accountability Office titled
3 “PRIVATE SECURITY CONTRACTORS: DOD Needs
4 to Better Identify and Monitor Personnel and Contracts”
5 (GAO–21–255), dated July 29, 2021.

6 (b) FORM OF SUBMISSIONS.—The report required by
7 subsection (a) shall, to the maximum extent possible, be
8 submitted in unclassified form, but may contain a classi-
9 fied annex.

10 (c) REPORT CONTENTS.—The report required by
11 subsection (a) shall contain—

12 (1) a summary of the actions planned or taken
13 by Department of Defense to implement the three
14 recommendations in the report of the Government
15 Accountability Office described in such subsection;

16 (2) a schedule for completing the implementa-
17 tion of each such recommendation, including specific
18 milestones;

19 (3) a comprehensive list of—

20 (A) the specific contracted activities and
21 services designated by the Department private
22 security functions; and

23 (B) the private security contracts of the
24 Department in effect at any time during fiscal
25 year 2021;

1 (4) an explanation of how the Department
2 plans to ensure that information pertaining to pri-
3 vate security contracts and personnel can be unique-
4 ly identified in the databases of the Department
5 used to record information on contracts and con-
6 tractor personnel; and

7 (5) a summary of the data possessed by the De-
8 partment on all private security contracts in effect
9 as of the end of fiscal year 2021, including—

10 (A) the number of such contracts;

11 (B) the number of contractors for such
12 contracts;

13 (C) the number of private security per-
14 sonnel performing private security functions
15 under such contracts, including the number of
16 such personnel who are armed and the number
17 who are unarmed; and

18 (D) for all such private security personnel,
19 job titles and primary duty stations under such
20 contracts, including whether such individual is
21 deployed inside or outside of the continental
22 United States.

23 (d) DEFINITIONS.—In this section:

24 (1) PRIVATE SECURITY CONTRACT.—The term
25 “private security contract” means a covered contract

1 (as defined under section 159.3 of title 32, Code of
2 Federal Regulations) under which private security
3 functions are performed.

4 (2) PRIVATE SECURITY FUNCTIONS.—The term
5 “private security functions” has the meaning given
6 such term under section 159.3 of title 32, Code of
7 Federal Regulations.

8 (3) PRIVATE SECURITY PERSONNEL.—The term
9 “private security personnel” has the meaning given
10 the term “PSC personnel” under section 159.3 of
11 title 32, Code of Federal Regulations.

12 **SEC. 875. BOOTS TO BUSINESS PROGRAM.**

13 Section 32 of the Small Business Act (15 U.S.C.
14 657b) is amended by adding at the end the following new
15 subsection:

16 “(h) BOOTS TO BUSINESS PROGRAM.—

17 “(1) COVERED INDIVIDUAL DEFINED.—In this
18 subsection, the term ‘covered individual’ means—

19 “(A) a member of the Armed Forces, in-
20 cluding the National Guard or Reserves;

21 “(B) an individual who is participating in
22 the Transition Assistance Program established
23 under section 1144 of title 10, United States
24 Code;

25 “(C) an individual who—

1 “(i) served on active duty in any
2 branch of the Armed Forces, including the
3 National Guard or Reserves; and

4 “(ii) was discharged or released from
5 such service under conditions other than
6 dishonorable; and

7 “(D) a spouse or dependent of an indi-
8 vidual described in subparagraph (A), (B), or
9 (C).

10 “(2) ESTABLISHMENT.—Beginning on the first
11 October 1 after the enactment of this subsection and
12 for the subsequent 4 fiscal years, the Administrator
13 shall carry out a program to be known as the ‘Boots
14 to Business Program’ to provide entrepreneurship
15 training to covered individuals.

16 “(3) GOALS.—The goals of the Boots to Busi-
17 ness Program are to—

18 “(A) provide assistance and in-depth train-
19 ing to covered individuals interested in business
20 ownership; and

21 “(B) provide covered individuals with the
22 tools, skills, and knowledge necessary to identify
23 a business opportunity, draft a business plan,
24 identify sources of capital, connect with local

1 resources for small business concerns, and start
2 up a small business concern.

3 “(4) PROGRAM COMPONENTS.—

4 “(A) IN GENERAL.—The Boots to Busi-
5 ness Program may include—

6 “(i) a presentation providing exposure
7 to the considerations involved in self-em-
8 ployment and ownership of a small busi-
9 ness concern;

10 “(ii) an online, self-study course fo-
11 cused on the basic skills of entrepreneur-
12 ship, the language of business, and the
13 considerations involved in self-employment
14 and ownership of a small business concern;

15 “(iii) an in-person classroom instruc-
16 tion component providing an introduction
17 to the foundations of self employment and
18 ownership of a small business concern; and

19 “(iv) in-depth training delivered
20 through online instruction, including an
21 online course that leads to the creation of
22 a business plan.

23 “(B) COLLABORATION.—The Adminis-
24 trator may—

1 “(i) collaborate with public and pri-
2 vate entities to develop course curricula for
3 the Boots to Business Program; and

4 “(ii) modify program components in
5 coordination with entities participating in a
6 Warriors in Transition program, as defined
7 in section 738(e) of the National Defense
8 Authorization Act for Fiscal Year 2013
9 (10 U.S.C. 1071 note).

10 “(C) USE OF RESOURCE PARTNERS.—

11 “(i) IN GENERAL.—The Administrator
12 shall—

13 “(I) ensure that Veteran Busi-
14 ness Outreach Centers regularly par-
15 ticipate, on a nationwide basis, in the
16 Boots to Business Program; and

17 “(II) to the maximum extent
18 practicable, use a variety of other re-
19 source partners and entities in admin-
20 istering the Boots to Business Pro-
21 gram.

22 “(ii) GRANT AUTHORITY.—In carrying
23 out clause (i), the Administrator may make
24 grants to Veteran Business Outreach Cen-
25 ters, other resource partners, or other enti-

1 ties to carry out components of the Boots
2 to Business Program.

3 “(D) AVAILABILITY TO DEPARTMENT OF
4 DEFENSE.—The Administrator shall make
5 available to the Secretary of Defense informa-
6 tion regarding the Boots to Business Program,
7 including all course materials and outreach ma-
8 terials related to the Boots to Business Pro-
9 gram, for inclusion on the website of the De-
10 partment of Defense relating to the Transition
11 Assistance Program, in the Transition Assist-
12 ance Program manual, and in other relevant
13 materials available for distribution from the
14 Secretary of Defense.

15 “(E) AVAILABILITY TO VETERANS AF-
16 FAIRS.—In consultation with the Secretary of
17 Veterans Affairs, the Administrator shall make
18 available for distribution and display at local fa-
19 cilities of the Department of Veterans Affairs
20 outreach materials regarding the Boots to Busi-
21 ness Program which shall, at a minimum—

22 “(i) describe the Boots to Business
23 Program and the services provided; and

1 “(ii) include eligibility requirements
2 for participating in the Boots to Business
3 Program.

4 “(5) REPORT.—Not later than 180 days after
5 the date of the enactment of this subsection and
6 every year thereafter, the Administrator shall submit
7 to the Committee on Small Business and Entrepre-
8 neurship of the Senate and the Committee on Small
9 Business of the House of Representatives a report
10 on the performance and effectiveness of the Boots to
11 Business Program, which may be included as part of
12 another report submitted to such Committees by the
13 Administrator, and which shall include—

14 “(A) information regarding grants award-
15 ed under paragraph (4)(C);

16 “(B) the total cost of the Boots to Busi-
17 ness Program;

18 “(C) the number of program participants
19 using each component of the Boots to Business
20 Program;

21 “(D) the completion rates for each compo-
22 nent of the Boots to Business Program;

23 “(E) to the extent possible—

24 “(i) the demographics of program par-
25 ticipants, to include gender, age, rela-

1 tionship to military, military occupational
2 specialty, and years of service of program
3 participants;

4 “(ii) the number of small business
5 concerns formed or expanded with assist-
6 ance under the Boots to Business Pro-
7 gram;

8 “(iii) the gross receipts of small busi-
9 ness concerns receiving assistance under
10 the Boots to Business Program;

11 “(iv) the number of jobs created with
12 assistance under the Boots to Business
13 Program;

14 “(v) the number of referrals to other
15 resources and programs of the Administra-
16 tion;

17 “(vi) the number of program partici-
18 pants receiving financial assistance under
19 loan programs of the Administration;

20 “(vii) the type and dollar amount of
21 financial assistance received by program
22 participants under any loan program of the
23 Administration; and

24 “(viii) results of participant satisfac-
25 tion surveys, including a summary of any

1 comments received from program partici-
2 pants;

3 “(F) an evaluation of the effectiveness of
4 the Boots to Business Program in each region
5 of the Administration during the most recent
6 fiscal year;

7 “(G) an assessment of additional perform-
8 ance outcome measures for the Boots to Busi-
9 ness Program, as identified by the Adminis-
10 trator;

11 “(H) any recommendations of the Admin-
12 istrator for improvement of the Boots to Busi-
13 ness Program, which may include expansion of
14 the types of individuals who are covered individ-
15 uals;

16 “(I) an explanation of how the Boots to
17 Business Program has been integrated with
18 other transition programs and related resources
19 of the Administration and other Federal agen-
20 cies; and

21 “(J) any additional information the Ad-
22 ministrator determines necessary.”.

1 **SEC. 876. PROTESTS AND APPEALS RELATING TO ELIGI-**
2 **BILITY OF BUSINESS CONCERNS.**

3 Section 5(i) of the Small Business Act (15 U.S.C.
4 634(i)) is amended—

5 (1) by redesignating paragraph (4) as para-
6 graph (5); and

7 (2) by inserting after paragraph (3) the fol-
8 lowing new paragraph:

9 “(4) DETERMINATIONS REGARDING STATUS OF
10 CONCERNS.—

11 “(A) IN GENERAL.—Not later than 2 days
12 after the date on which a final determination
13 that a business concern does not meet the re-
14 quirements of the status such concern claims to
15 hold is made, such concern or the Adminis-
16 trator, as applicable, shall update the status of
17 such concern in the System for Award Manage-
18 ment (or any successor system).

19 “(B) ADMINISTRATOR UPDATES.—If such
20 concern fails to update the status of such con-
21 cern as described in subparagraph (A), not
22 later than 2 days after such failure the Admin-
23 istrator shall make such update.

24 “(C) NOTIFICATION.—A concern required
25 to make an update described under subpara-
26 graph (A) shall notify any contracting officers

1 for which such concern has an offer pending on
2 a contract, of the determination made under
3 subparagraph (A), if the concern, in good faith,
4 finds that such determination impacts the eligi-
5 bility of the concern to perform such a con-
6 tract.”.

7 **SEC. 877. EXEMPTION OF CERTAIN CONTRACTS FROM THE**
8 **PERIODIC INFLATION ADJUSTMENTS TO THE**
9 **ACQUISITION-RELATED DOLLAR THRESH-**
10 **OLD.**

11 (a) IN GENERAL.—Section 1908(b)(2) of title 41,
12 United States Code, is amended—

13 (1) in subparagraph (B), by striking “or” at
14 the end;

15 (2) in subparagraph (C), by striking the period
16 at the end and inserting “; or”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(D) in sections 3131 through 3134 of
20 title 40, except any modification of any such
21 dollar threshold made by regulation in effect on
22 the date of the enactment of this subparagraph
23 shall remain in effect.”.

24 (b) TECHNICAL AMENDMENT.—Section 1908(d) of
25 such title is amended by striking the period at the end.

1 **SEC. 878. CHILD CARE RESOURCE GUIDE.**

2 The Small Business Act (15 U.S.C. 631 et seq.) is
3 amended—

4 (1) by redesignating section 49 as section 50;

5 and

6 (2) by inserting after section 48 the following
7 new section:

8 **“SEC. 49. CHILD CARE RESOURCE GUIDE.**

9 “(a) IN GENERAL.—Not later than 1 year after the
10 date of the enactment of this section and not less fre-
11 quently than every 5 years thereafter, the Administrator
12 shall publish or update a resource guide, applicable to var-
13 ious business models as determined by the Administrator,
14 for small business concerns operating as child care pro-
15 viders.

16 “(b) GUIDANCE ON SMALL BUSINESS CONCERN
17 MATTERS.—The resource guide required under subsection
18 (a) shall include guidance for such small business concerns
19 related to—

20 “(1) operations (including marketing and man-
21 agement planning);

22 “(2) finances (including financial planning, fi-
23 nancing, payroll, and insurance);

24 “(3) compliance with relevant laws (including
25 the Internal Revenue Code of 1986 and this Act);

1 “(4) training and safety (including equipment
2 and materials);

3 “(5) quality (including eligibility for funding
4 under the Child Care and Development Block Grant
5 Act of 1990 as an eligible child care provider); and

6 “(6) any other matters the Administrator deter-
7 mines appropriate.

8 “(c) CONSULTATION REQUIRED.—Before publication
9 or update of the resource guide required under subsection
10 (a), the Administrator shall consult with the following:

11 “(1) The Secretary of Health and Human Serv-
12 ices.

13 “(2) Representatives from lead agencies des-
14 ignated under section 658D of the Child Care and
15 Development Block Grant Act of 1990.

16 “(3) Representatives from local or regional
17 child care resource and referral organizations de-
18 scribed in section 658E(c)(3)(B)(iii)(I) of the Child
19 Care and Development Block Grant Act of 1990.

20 “(4) Any other relevant entities as determined
21 by the Administrator.

22 “(d) PUBLICATION AND DISSEMINATION RE-
23 QUIRED.—

24 “(1) PUBLICATION.—The Administrator shall
25 publish the resource guide required under subsection

1 (a) in English and in the 10 most commonly spoken
2 languages, other than English, in the United States,
3 which shall include Mandarin, Cantonese, Japanese,
4 and Korean. The Administrator shall make each
5 translation of the resource guide available on a pub-
6 licly accessible website of the Administration.

7 “(2) DISTRIBUTION.—

8 “(A) ADMINISTRATOR.—The Adminis-
9 trator shall distribute the resource guide re-
10 quired under subsection (a) to offices within the
11 Administration, including district offices, and to
12 the persons consulted under subsection (c).

13 “(B) OTHER ENTITIES.—Women’s busi-
14 ness centers (as described under section 29),
15 small business development centers, chapters of
16 the Service Corps of Retired Executives (estab-
17 lished under section 8(b)(1)(B)), and Veteran
18 Business Outreach Centers (as described under
19 section 32) shall distribute to small business
20 concerns operating as child care providers, sole
21 proprietors operating as child care providers,
22 and child care providers that have limited ad-
23 ministrative capacity, as determined by the Ad-
24 ministrator—

1 “(i) the resource guide required under
2 subsection (a); and

3 “(ii) other resources available that the
4 Administrator determines to be relevant.”.

5 **SEC. 879. BOOTS TO BUSINESS PROGRAM.**

6 Section 32 of the Small Business Act (15 U.S.C.
7 657b) is amended by adding at the end the following new
8 subsection:

9 “(h) BOOTS TO BUSINESS PROGRAM.—

10 “(1) COVERED INDIVIDUAL DEFINED.—In this
11 subsection, the term ‘covered individual’ means—

12 “(A) a member of the Armed Forces, in-
13 cluding the National Guard or Reserves;

14 “(B) an individual who is participating in
15 the Transition Assistance Program established
16 under section 1144 of title 10, United States
17 Code;

18 “(C) an individual who—

19 “(i) served on active duty in any
20 branch of the Armed Forces, including the
21 National Guard or Reserves; and

22 “(ii) was discharged or released from
23 such service under conditions other than
24 dishonorable; and

1 “(D) a spouse or dependent of an indi-
2 vidual described in subparagraph (A), (B), or
3 (C).

4 “(2) ESTABLISHMENT.—Beginning on the first
5 October 1 after the enactment of this subsection and
6 for the subsequent 4 fiscal years, the Administrator
7 shall carry out a program to be known as the ‘Boots
8 to Business Program’ to provide entrepreneurship
9 training to covered individuals.

10 “(3) GOALS.—The goals of the Boots to Busi-
11 ness Program are to—

12 “(A) provide assistance and in-depth train-
13 ing to covered individuals interested in business
14 ownership; and

15 “(B) provide covered individuals with the
16 tools, skills, and knowledge necessary to identify
17 a business opportunity, draft a business plan,
18 identify sources of capital, connect with local
19 resources for small business concerns, and start
20 up a small business concern.

21 “(4) PROGRAM COMPONENTS.—

22 “(A) IN GENERAL.—The Boots to Busi-
23 ness Program may include—

24 “(i) a presentation providing exposure
25 to the considerations involved in self-em-

1 employment and ownership of a small busi-
2 ness concern;

3 “(ii) an online, self-study course fo-
4 cused on the basic skills of entrepreneur-
5 ship, the language of business, and the
6 considerations involved in self-employment
7 and ownership of a small business concern;

8 “(iii) an in-person classroom instruc-
9 tion component providing an introduction
10 to the foundations of self employment and
11 ownership of a small business concern; and

12 “(iv) in-depth training delivered
13 through online instruction, including an
14 online course that leads to the creation of
15 a business plan.

16 “(B) COLLABORATION.—The Adminis-
17 trator may—

18 “(i) collaborate with public and pri-
19 vate entities to develop course curricula for
20 the Boots to Business Program; and

21 “(ii) modify program components in
22 coordination with entities participating in a
23 Warriors in Transition program, as defined
24 in section 738(e) of the National Defense

1 Authorization Act for Fiscal Year 2013
2 (10 U.S.C. 1071 note).

3 “(C) USE OF RESOURCE PARTNERS.—

4 “(i) IN GENERAL.—The Administrator
5 shall—

6 “(I) ensure that Veteran Busi-
7 ness Outreach Centers regularly par-
8 ticipate, on a nationwide basis, in the
9 Boots to Business Program; and

10 “(II) to the maximum extent
11 practicable, use a variety of other re-
12 source partners and entities in admin-
13 istering the Boots to Business Pro-
14 gram.

15 “(ii) GRANT AUTHORITY.—In carrying
16 out clause (i), the Administrator may make
17 grants to Veteran Business Outreach Cen-
18 ters, other resource partners, or other enti-
19 ties to carry out components of the Boots
20 to Business Program.

21 “(D) AVAILABILITY TO DEPARTMENT OF
22 DEFENSE.—The Administrator shall make
23 available to the Secretary of Defense informa-
24 tion regarding the Boots to Business Program,
25 including all course materials and outreach ma-

1 materials related to the Boots to Business Pro-
2 gram, for inclusion on the website of the De-
3 partment of Defense relating to the Transition
4 Assistance Program, in the Transition Assist-
5 ance Program manual, and in other relevant
6 materials available for distribution from the
7 Secretary of Defense.

8 “(E) AVAILABILITY TO VETERANS AF-
9 FAIRS.—In consultation with the Secretary of
10 Veterans Affairs, the Administrator shall make
11 available for distribution and display at local fa-
12 cilities of the Department of Veterans Affairs
13 outreach materials regarding the Boots to Busi-
14 ness Program which shall, at a minimum—

15 “(i) describe the Boots to Business
16 Program and the services provided; and

17 “(ii) include eligibility requirements
18 for participating in the Boots to Business
19 Program.

20 “(5) REPORT.—Not later than 180 days after
21 the date of the enactment of this subsection and
22 every year thereafter, the Administrator shall submit
23 to the Committee on Small Business and Entrepre-
24 neurship of the Senate and the Committee on Small
25 Business of the House of Representatives a report

1 on the performance and effectiveness of the Boots to
2 Business Program, which may be included as part of
3 another report submitted to such Committees by the
4 Administrator, and which shall include—

5 “(A) information regarding grants award-
6 ed under paragraph (4)(C);

7 “(B) the total cost of the Boots to Busi-
8 ness Program;

9 “(C) the number of program participants
10 using each component of the Boots to Business
11 Program;

12 “(D) the completion rates for each compo-
13 nent of the Boots to Business Program;

14 “(E) to the extent possible—

15 “(i) the demographics of program par-
16 ticipants, to include gender, age, race, rela-
17 tionship to military, military occupational
18 specialty, and years of service of program
19 participants;

20 “(ii) the number of small business
21 concerns formed or expanded with assist-
22 ance under the Boots to Business Pro-
23 gram;

1 “(iii) the gross receipts of small busi-
2 ness concerns receiving assistance under
3 the Boots to Business Program;

4 “(iv) the number of jobs created with
5 assistance under the Boots to Business
6 Program;

7 “(v) the number of referrals to other
8 resources and programs of the Administra-
9 tion;

10 “(vi) the number of program partici-
11 pants receiving financial assistance under
12 loan programs of the Administration;

13 “(vii) the type and dollar amount of
14 financial assistance received by program
15 participants under any loan program of the
16 Administration; and

17 “(viii) results of participant satisfac-
18 tion surveys, including a summary of any
19 comments received from program partici-
20 pants;

21 “(F) an evaluation of the effectiveness of
22 the Boots to Business Program in each region
23 of the Administration during the most recent
24 fiscal year;

1 “(G) an assessment of additional perform-
2 ance outcome measures for the Boots to Busi-
3 ness Program, as identified by the Adminis-
4 trator;

5 “(H) any recommendations of the Admin-
6 istrator for improvement of the Boots to Busi-
7 ness Program, which may include expansion of
8 the types of individuals who are covered individ-
9 uals;

10 “(I) an explanation of how the Boots to
11 Business Program has been integrated with
12 other transition programs and related resources
13 of the Administration and other Federal agen-
14 cies; and

15 “(J) any additional information the Ad-
16 ministrator determines necessary.”.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **Subtitle A—Office of the Secretary**
5 **of Defense and Related Matters**

6 **SEC. 901. MODIFICATION OF REQUIREMENTS FOR AP-**
7 **POINTMENT OF A PERSON AS SECRETARY OF**
8 **DEFENSE AFTER RELIEF FROM ACTIVE DUTY.**

9 Section 113(a) of title 10, United States Code, is
10 amended—

11 (1) by inserting “(1)” before “There is”; and

12 (2) by striking the second sentence and insert-
13 ing the following new paragraph:

14 “(2)(A) Except as provided by subparagraph (B), a
15 person may not be appointed as Secretary of Defense dur-
16 ing the period of 10 years after relief from active duty
17 as a commissioned officer of a regular component of an
18 armed force in pay grade O–6 or above.

19 “(B) A person described in subparagraph (A) may
20 be appointed as Secretary of Defense if—

21 “(i) the President submits to Congress a re-
22 quest for approval for such appointment; and

23 “(ii) Congress enacts a joint resolution of ap-
24 proval.

1 “(C) In this subsection, the term ‘joint resolution of
2 approval’ means a joint resolution of either House of Con-
3 gress, the sole matter after the resolving clause of which
4 is as follows: “The Congress approves exempting
5 _____ from the prohibition under section 113(a) of
6 title 10, United States Code, pursuant to the request of
7 the President for such exemption submitted to Congress
8 on _____.”, with the blank spaces being filled
9 with the appropriate name and date, respectively.”.

10 **SEC. 902. IMPLEMENTATION OF REPEAL OF CHIEF MAN-**
11 **AGEMENT OFFICER OF THE DEPARTMENT OF**
12 **DEFENSE.**

13 Section 901(b)(1) of the William M. (Mac) Thorn-
14 berry National Defense Authorization Act for Fiscal Year
15 2021 (Public Law 116–283) is amended by striking “, ex-
16 cept that any officer or employee so designated may not
17 be an individual who served as the Chief Management Of-
18 ficer before the date of the enactment of this Act”.

19 **SEC. 903. DESIGNATION OF SENIOR OFFICIAL FOR IMPLE-**
20 **MENTATION OF ELECTROMAGNETIC SPEC-**
21 **TRUM SUPERIORITY STRATEGY.**

22 (a) DESIGNATION.—Not later than 60 days after the
23 date of the enactment of this Act, the Secretary of Defense
24 shall designate a senior official of the Department of De-
25 fense to be responsible for, and accountable to the Sec-

1 retary with respect to, the implementation of the electro-
2 magnetic spectrum superiority strategy. The Secretary
3 shall designate the senior official from among individuals
4 who are appointed to a position in the Department by the
5 President, by and with the advice and consent of the Sen-
6 ate.

7 (b) RESPONSIBILITIES.—The senior official des-
8 ignated under subsection (a) shall be responsible for the
9 following:

10 (1) Oversight of policy, strategy, planning, re-
11 source management, operational considerations, per-
12 sonnel, and technology development necessary to im-
13 plement the electromagnetic spectrum superiority
14 strategy.

15 (2) Evaluating whether the amount that the
16 Department of Defense expends on electromagnetic
17 warfare and electromagnetic spectrum operations ca-
18 pabilities is properly aligned.

19 (3) Evaluating whether the Department is ef-
20 fectively incorporating electromagnetic spectrum op-
21 erations capabilities and considerations into current
22 and future operational plans and concepts.

23 (4) Such other matters relating to electro-
24 magnetic spectrum operations as the Secretary
25 specifies for purposes of this subsection.

1 (c) REPORT.—Not later than 270 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the congressional defense committees a report that in-
4 cludes the following:

5 (1) A review of the sufficiency of the rules of
6 engagement of the Department of Defense relating
7 to electromagnetic spectrum operations, in particular
8 with respect to operating below the level of armed
9 conflict and to protect the Department from elec-
10 tronic attack and disruption.

11 (2) Any other matters the Secretary determines
12 relevant.

13 (d) IMPLEMENTATION PLAN.—

14 (1) SUBMISSION.—Not later than 15 days after
15 the date of the enactment of this Act, the Secretary
16 shall submit to the congressional defense committees
17 a complete copy of the implementation plan signed
18 by the Secretary of Defense in July 2021 for the
19 Electromagnetic Spectrum Superiority Strategy pub-
20 lished in October 2020.

21 (2) REPORT.—Not later than 45 days after the
22 date of the enactment of this Act, the Secretary
23 shall submit to the congressional defense committees
24 a report on the implementation plan specified in
25 paragraph (1). The report shall include—

1 (A) an evaluation of the additional per-
2 sonnel, resources, and authorities the Secretary
3 determines will be needed by the senior official
4 of the Department of Defense designated under
5 subsection (a) who is responsible for imple-
6 menting the Electromagnetic Spectrum Superi-
7 ority Strategy published in October 2020; and

8 (B) a description of how the Secretary will
9 ensure that such implementation will be suc-
10 cessful.

11 (e) LIMITATION ON AVAILABILITY OF FUNDS; QUAR-
12 TERLY BRIEFINGS.—

13 (1) LIMITATION.—Of the funds authorized to
14 be appropriated or otherwise made available for fis-
15 cal year 2022 for the Office of the Under Secretary
16 of Defense for Acquisition and Sustainment for the
17 travel of persons—

18 (A) not more than 25 percent may be obli-
19 gated or expended until the Secretary provides
20 to the congressional defense committees the
21 first quarterly briefing under paragraph (2);

22 (B) not more than 50 percent may be obli-
23 gated or expended until the Secretary provides
24 to such committees the second quarterly brief-
25 ing under such paragraph; and

1 (C) not more than 75 percent may be obli-
2 gated or expended until the Secretary provides
3 to such committees the third quarterly briefing
4 under such paragraph.

5 (2) QUARTERLY BRIEFINGS.—On a quarterly
6 basis during the one-year period beginning on the
7 date of the enactment of this Act, the Secretary
8 shall provide to the congressional defense commit-
9 tees a briefing on the status of the implementation
10 plan specified in subsection (d)(1). Each briefing
11 shall include the following:

12 (A) An update on the efforts of the De-
13 partment of Defense to—

14 (i) achieve the strategic goals set out
15 in the electromagnetic spectrum superiority
16 strategy; and

17 (ii) implement such strategy through
18 various elements of the Department.

19 (B) An identification of any additional au-
20 thorities or resources relating to electro-
21 magnetic spectrum operations that the Sec-
22 retary determines is necessary to implement the
23 strategy.

24 (f) ELECTROMAGNETIC SPECTRUM SUPERIORITY
25 STRATEGY DEFINED.—In this section, the term “electro-

1 magnetic spectrum superiority strategy” means the Elec-
2 tromagnetic Spectrum Superiority Strategy of the Depart-
3 ment of Defense published in October 2020, and any such
4 successor strategy.

5 **Subtitle B—Other Department of**
6 **Defense Organization and Man-**
7 **agement Matters**

8 **SEC. 911. CLARIFICATION OF TREATMENT OF OFFICE OF**
9 **LOCAL DEFENSE COMMUNITY COOPERATION**
10 **AS A DEPARTMENT OF DEFENSE FIELD AC-**
11 **TIVITY.**

12 (a) TREATMENT OF OFFICE OF LOCAL DEFENSE
13 COMMUNITY COOPERATION AS A DEPARTMENT OF DE-
14 FENSE FIELD ACTIVITY.—

15 (1) TRANSFER TO CHAPTER 8.—Section 146 of
16 title 10, United States Code, is transferred to sub-
17 chapter I of chapter 8 of such title, inserted after
18 section 197, and redesignated as section 198.

19 (2) TREATMENT AS DEPARTMENT OF DEFENSE
20 FIELD ACTIVITY.—Section 198(a) of such title, as
21 transferred and redesignated by subsection (a) of
22 this subsection, is amended—

23 (A) by striking “in the Office of the Sec-
24 retary of Defense an office to be known as the”

1 and inserting “in the Department of Defense
2 an”; and

3 (B) by adding at the end the following:
4 “The Secretary shall designate the Office as a
5 Department of Defense Field Activity pursuant
6 to section 191, effective as of the date of the
7 enactment of the William M. (Mac) Thornberry
8 National Defense Authorization Act for Fiscal
9 Year 2021 (Public Law 116–283).”.

10 (3) APPOINTMENT OF DIRECTOR.—Such section
11 198 is further amended—

12 (A) in subsection (b) in the matter pre-
13 ceding paragraph (1), by striking “Under Sec-
14 retary of Defense for Acquisition and
15 Sustainment” and inserting “Secretary of De-
16 fense”; and

17 (B) in subsection (c)(4), by striking
18 “Under Secretary of Defense for Acquisition
19 and Sustainment” and inserting “Secretary”.

20 (4) CLERICAL AMENDMENTS.—

21 (A) CHAPTER 4.—The table of sections at
22 the beginning of chapter 4 of title 10, United
23 States Code, is amended by striking the item
24 relating to section 146.

1 (B) CHAPTER 8.—The table of sections at
2 the beginning of subtitle I of chapter 8 of such
3 title is amended by inserting after the item re-
4 lating to section 197 the following new item:

“198. Office of Local Defense Community Cooperation.”.

5 (b) LIMITATION ON INVOLUNTARY SEPARATION OF
6 PERSONNEL.—No personnel of the Office of Local De-
7 fense Community Cooperation under section 198 of title
8 10, United States Code (as added by subsection (a)), may
9 be involuntarily separated from service with that Office
10 during the one-year period beginning on the date of the
11 enactment of this Act, except for cause.

12 (c) ADMINISTRATION OF PROGRAMS.—Any program,
13 project, or other activity administered by the Office of
14 Economic Adjustment of the Department of Defense as
15 of the date of the enactment of the William M. (Mac)
16 Thornberry National Defense Authorization Act for Fiscal
17 Year 2021 (Public Law 116–283) shall be administered
18 by the Office of Local Defense Community Cooperation
19 under section 198 of title 10, United States Code (as
20 added by subsection (a)).

21 (d) CONFORMING REPEAL.—Section 905 of the Wil-
22 liam M. (Mac) Thornberry National Defense Authoriza-
23 tion Act for Fiscal Year 2021 (Public Law 116–283) is
24 repealed.

1 **SEC. 912. USE OF COMBATANT COMMANDER INITIATIVE**
2 **FUND FOR CERTAIN ENVIRONMENTAL MAT-**
3 **TERS.**

4 (a) **AUTHORIZED ACTIVITIES.**—Subsection (b) of sec-
5 tion 166a of title 10, United States Code, is amended—

6 (1) by redesignating paragraphs (7) through
7 (10) as paragraphs (8) through (11), respectively;
8 and

9 (2) by inserting after paragraph (6) the fol-
10 lowing new paragraph:

11 “(7) Resilience of military installations, ranges,
12 and key supporting civilian infrastructure to extreme
13 weather events and other changing environmental
14 conditions.”.

15 (b) **CONFORMING AMENDMENT.**—Subsection (c)(1)
16 of such section is amended by striking “and sustain-
17 ability” and all that follows and inserting the following:
18 “sustainability, and resilience of the forces assigned to the
19 commander requesting the funds or of infrastructure sup-
20 porting such forces;”.

21 **SEC. 913. INCLUSION OF EXPLOSIVE ORDNANCE DISPOSAL**
22 **IN SPECIAL OPERATIONS ACTIVITIES.**

23 Section 167(k) of title 10, United States Code, is
24 amended—

25 (1) by redesignating paragraph (10) as para-
26 graph (11); and

1 (2) by inserting after paragraph (9) the fol-
2 lowing new paragraph (10):

3 “(10) Explosive ordnance disposal.”.

4 **SEC. 914. COORDINATION OF CERTAIN NAVAL ACTIVITIES**
5 **WITH THE SPACE FORCE.**

6 Section 8062(d) of title 10, United States Code, is
7 amended by inserting “the Space Force,” after “the Air
8 Force,”.

9 **SEC. 915. SPACE FORCE ORGANIZATIONAL MATTERS AND**
10 **MODIFICATION OF CERTAIN SPACE-RELATED**
11 **ACQUISITION AUTHORITIES.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) Congress established the Space Force to im-
15 prove the acquisition of resilient satellite and ground
16 system architectures, encourage personnel retention,
17 and emphasize the need to organize, train, and equip
18 for a potential future conflict in the space domain;

19 (2) as the Space Force continues efforts to be-
20 come fully operational, it should remain committed
21 to building a “lean, agile, and fast” organization, as
22 the Chief of Space Operations, General John W.
23 Raymond, has often stated; and

24 (3) in areas in which legislative action is need-
25 ed, including with respect to organizational structure

1 and personnel requirements, the Secretary of the Air
2 Force and the Chief of Space Operations should
3 maintain consistent communication with Congress to
4 ensure that the founding principle behind the estab-
5 lishment of the Space Force—to build a small orga-
6 nization responsive to a rapidly changing domain—
7 is upheld.

8 (b) IMPLEMENTATION DATE FOR SERVICE ACQUI-
9 TION EXECUTIVE OF THE DEPARTMENT OF THE AIR
10 FORCE FOR SPACE SYSTEMS AND PROGRAM.—

11 (1) IMPLEMENTATION DATE.—Section 957 of
12 the National Defense Authorization Act for Fiscal
13 Year 2020 (Public Law 116–92; 10 U.S.C. 9016
14 note) is amended—

15 (A) in subsection (a), by striking “Effec-
16 tive October 1, 2022, there shall be” and insert-
17 ing “Effective on the date specified in sub-
18 section (d), there shall be”;

19 (B) in subsection (b)—

20 (i) in paragraph (1), by striking “Ef-
21 fective as of October 1, 2022,” and insert-
22 ing “Effective as of the date specified in
23 subsection (d)”;

1 (ii) in paragraph (2), by striking “as
2 of October 1, 2022,” and inserting “as of
3 the date specified in subsection (d)”;

4 (C) in subsection (c)(3), by striking “Octo-
5 ber 1, 2022” and inserting “the date specified
6 in subsection (d)”;

7 (D) by adding at the end the following new
8 subsection:

9 “(d) DATE SPECIFIED.—The date specified in this
10 subsection is a date determined by the Secretary of the
11 Air Force that is not later than October 1, 2022.”.

12 (2) CONFORMING AMENDMENTS.—

13 (A) TRANSFER OF ACQUISITION PROJECTS
14 FOR SPACE SYSTEMS AND PROGRAMS.—Section
15 956(b)(3) of the National Defense Authoriza-
16 tion Act for Fiscal Year 2020 (Public Law
17 116–92; 10 U.S.C. 9016 note) is amended—

18 (i) by striking “Effective October 1,
19 2022,” and inserting “Effective on the
20 date specified in section 957(d),”; and

21 (ii) by striking “as of September 30,
22 2022” and inserting “as of the day before
23 the date specified in section 957(d)”.

24 (B) RESPONSIBILITIES OF ASSISTANT SEC-
25 RETARY OF THE AIR FORCE FOR SPACE ACQUI-

1 SITION AND INTEGRATION.—Section
2 9016(b)(6)(B)(vi) of title 10, United States
3 Code, is amended by striking “Effective as of
4 October 1, 2022, in accordance with section
5 957 of that Act,” and inserting “Effective as of
6 the date specified in section 957(d) of such Act,
7 and in accordance with such section 957,”.

8 (c) SENIOR PROCUREMENT EXECUTIVE AUTHORI-
9 TIES.—

10 (1) OFFICE OF THE SECRETARY OF THE AIR
11 FORCE.—Section 9014(c) of title 10, United States
12 Code, is amended—

13 (A) in paragraph (2), by striking “The
14 Secretary of the Air Force shall” and inserting
15 “Subject to paragraph (6), the Secretary of the
16 Air Force shall”; and

17 (B) by inserting after paragraph (5) the
18 following new paragraph:

19 “(6) Notwithstanding section 1702 of title 41, the
20 Secretary of the Air Force may assign to the Assistant
21 Secretary of the Air Force for Space Acquisition and Inte-
22 gration duties and authorities of the senior procurement
23 executive that pertain to space systems and programs.”.

24 (2) ASSISTANT SECRETARIES OF THE AIR
25 FORCE.—Section 9016(b)(6)(B)(vi) of title 10,

1 United States Code, as amended by subsection
2 (b)(2)(B) of this section, is further amended by in-
3 serting “and discharge any senior procurement exec-
4 utive duties and authorities assigned by the Sec-
5 retary of the Air Force pursuant to section
6 9014(c)(6) of this title” after “Space Systems and
7 Programs”.

8 **SEC. 916. REPORT ON ESTABLISHMENT OF OFFICE TO**
9 **OVERSEE SANCTIONS WITH RESPECT TO CHI-**
10 **NESE MILITARY COMPANIES.**

11 (a) REPORT REQUIRED.—Not later than 90 days
12 after the date of the enactment of this Act, the Secretary
13 of Defense shall submit to the Committees on Armed Serv-
14 ices of the Senate and the House of Representatives a re-
15 port on the feasibility of establishing an office within the
16 Department of Defense to oversee sanctions with respect
17 to Chinese military companies.

18 (b) ELEMENTS.—The report under subsection (a)
19 shall include, at a minimum, the following:

20 (1) An explanation of where in the organiza-
21 tional structure of the Department such an office
22 should be established.

23 (2) An assessment any benefits and drawbacks
24 that may result from—

25 (A) establishing such an office; and

1 (B) making oversight of sanctions with re-
2 spect to Chinese military companies an internal
3 responsibility of the Department.

4 (c) CHINESE MILITARY COMPANY DEFINED.—In this
5 section, the term “Chinese military company” has the
6 meaning given that term in section 1260H(d) of the Wil-
7 liam M. (Mac) Thornberry National Defense Authoriza-
8 tion Act for Fiscal Year 2021 (Public Law 116–283).

9 **SEC. 917. INDEPENDENT REVIEW OF AND REPORT ON THE**
10 **UNIFIED COMMAND PLAN.**

11 (a) REVIEW REQUIRED.—

12 (1) IN GENERAL.—The Secretary of Defense
13 shall provide for an independent review of the cur-
14 rent Unified Command Plan.

15 (2) ELEMENTS.—The review required by para-
16 graph (1) shall include the following:

17 (A) An assessment of the most recent Uni-
18 fied Command Plan with respect to—

19 (i) current and anticipated threats;

20 (ii) deployment and mobilization of
21 the Armed Forces; and

22 (iii) the most current versions of the
23 National Defense Strategy and Joint
24 Warfighting Concept.

1 (B) An evaluation of the missions, respon-
2 sibilities, and associated force structure of each
3 geographic and functional combatant command.

4 (C) An assessment of the feasibility of al-
5 ternative Unified Command Plan structures.

6 (D) Recommendations, if any, for alter-
7 native Unified Command Plan structures.

8 (E) Recommendations, if any, for how
9 combatant command assessments of the capa-
10 bilities and capacities required to conduct the
11 routine and contingency operations assigned to
12 such commands can more effectively drive mili-
13 tary service modernization and procurement
14 planning.

15 (F) Recommendations, if any, for modifica-
16 tions to sections 161 through 169 of title 10,
17 United States Code.

18 (G) Any other matter the Secretary con-
19 siders appropriate.

20 (3) CONDUCT OF REVIEW BY INDEPENDENT
21 ENTITY.—

22 (A) IN GENERAL.—The Secretary shall—

23 (i) select an entity described in sub-
24 paragraph (B) to conduct the review re-
25 quired by paragraph (1); and

1 (ii) ensure that the review is con-
2 ducted independently of the Department of
3 Defense.

4 (B) ENTITY DESCRIBED.—An entity de-
5 scribed in this subparagraph is—

6 (i) a federally funded research and de-
7 velopment center; or

8 (ii) an independent, nongovernmental
9 institute that—

10 (I) is described in section
11 501(c)(3) of the Internal Revenue
12 Code of 1986;

13 (II) is exempt from taxation
14 under section 501(c) of that Code;
15 and

16 (III) has recognized credentials
17 and expertise in national security and
18 military affairs.

19 (b) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Not later than October 1,
21 2022, the Secretary shall submit to the Committees
22 on Armed Services of the Senate and House of Rep-
23 resentatives the results of the review conducted
24 under subsection (a).

1 (2) FORM.—The report required by paragraph
2 (1) shall be submitted in unclassified form, but may
3 include a classified annex.

4 **SEC. 918. EXPLOSIVE ORDNANCE DISPOSAL COMMAND.**

5 (a) TRANSFER OF COMMAND AND REDESIGNA-
6 TION.—The 20th Chemical, Biological, Radiological, Nu-
7 clear and high-yield Explosives Command of the Army is
8 hereby—

9 (1) transferred to the Army Special Operations
10 Command within the United States Special Oper-
11 ations Command; and

12 (2) redesignated as the 1st Explosive Ordnance
13 Disposal Command (referred to in this section as the
14 “EOD Command”).

15 (b) COMMANDER.—There is a Commander of the
16 EOD Command. The Commander shall be selected by the
17 Secretary of the Army from among the general officers
18 of the Army who—

19 (1) hold a rank of major general or higher; and

20 (2) have professional qualifications relating to
21 explosive ordnance disposal.

22 (c) DUTIES.—The duties of the EOD Command shall
23 be to carry out explosive ordnance disposal activities in
24 support of the Commander of the United States Special
25 Operations Command, combatant commanders, and the

1 heads of such other Federal departments and agencies as
2 the Secretary of Defense considers appropriate.

3 (d) HEADQUARTERS.—The headquarters of the EOD
4 Command shall be located at Fort Bragg, North Carolina.

5 (e) ADDITIONAL TRANSFERS.—Not later than 30
6 days after the date of the enactment of this Act, the Sec-
7 retary of the Army shall transfer from the Army Forces
8 Command to the EOD Command—

9 (1) five Explosive Ordnance Disposal Groups;
10 and

11 (2) one Sustainment Brigade.

12 (f) TIMELINE FOR OPERATIONAL CAPABILITY.—The
13 Secretary of the Army shall ensure that the EOD Com-
14 mand—

15 (1) achieves early operational capability not
16 later than 90 days after the date of the enactment
17 of this Act; and

18 (2) achieves full operational capability not later
19 than one year after such date of enactment.

20 (g) TREATMENT AS SPECIAL OPERATIONS ACTIV-
21 ITY.—Consistent with the transfer made under subsection
22 (a)(1), the Secretary of the Army shall treat explosive ord-
23 nance disposal as a special operations activity.

24 (h) EXPLOSIVE ORDNANCE DISPOSAL ACTIVITIES
25 DEFINED.—In this section, the term “explosive ordnance

1 disposal activities” means activities relating to the detec-
2 tion, defeat, disposal, and analysis of explosive ordnance,
3 including—

4 (1) gaining access to anti-access and area-de-
5 nial munitions;

6 (2) preventing detonation signals via electro-
7 magnetic spectrum;

8 (3) identifying manufactured and improvised
9 explosive ordnance, including nuclear, biological, and
10 chemical ordnance;

11 (4) rendering-safe, recovering, exploiting, trans-
12 porting, and safely disposing of explosive ordnance;
13 and

14 (5) gathering and analyzing technical intel-
15 ligence with respect to explosive ordnance.

16 **Subtitle C—Space National Guard**

17 **SEC. 921. ESTABLISHMENT OF SPACE NATIONAL GUARD.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—There is established a Space
20 National Guard that is part of the organized militia
21 of the several States and Territories, Puerto Rico,
22 and the District of Columbia—

23 (A) in which the Space Force operates;

24 and

25 (B) active and inactive.

1 (2) RESERVE COMPONENT.—There is estab-
2 lished a Space National Guard of the United States
3 that is the reserve component of the United States
4 Space Force all of whose members are members of
5 the Space National Guard.

6 (b) COMPOSITION.—The Space National Guard shall
7 be composed of the Space National Guard forces of the
8 several States and Territories, Puerto Rico and the Dis-
9 trict of Columbia—

10 (1) in which the Space Force operates; and

11 (2) active and inactive.

12 **SEC. 922. NO EFFECT ON MILITARY INSTALLATIONS.**

13 Nothing in this subtitle, or the amendments made by
14 this subtitle, shall be construed to authorize or require the
15 relocation of any facility, infrastructure, or military instal-
16 lation of the Space National Guard or Air National Guard.

17 **SEC. 923. IMPLEMENTATION OF SPACE NATIONAL GUARD.**

18 (a) REQUIREMENT.—Except as specifically provided
19 by this subtitle, the Secretary of the Air Force and Chief
20 of the National Guard Bureau shall implement this sub-
21 title, and the amendments made by this subtitle, not later
22 than 18 months after the date of the enactment of this
23 Act.

24 (b) BRIEFINGS.—Not later than 90 days after the
25 date of the enactment of this Act, and annually for the

1 five subsequent years, the Secretary of the Air Force,
2 Chief of the Space Force and Chief of the National Guard
3 Bureau shall jointly provide to the congressional defense
4 committees a briefing on the status of the implementation
5 of the Space National Guard pursuant to this subtitle and
6 the amendments made by this subtitle. This briefing shall
7 address the current missions, operations and activities,
8 personnel requirements and status, and budget and fund-
9 ing requirements and status of the Space National Guard,
10 and such other matters with respect to the implementation
11 and operation of the Space National Guard as the Sec-
12 retary and the Chiefs jointly determine appropriate to
13 keep Congress fully and currently informed on the status
14 of the implementation of the Space National Guard.

15 **SEC. 924. CONFORMING AMENDMENTS AND CLARIFICA-**
16 **TION OF AUTHORITIES.**

17 (a) DEFINITIONS.—

18 (1) TITLE 10, UNITED STATES CODE.—Title 10,
19 United States Code, is amended—

20 (A) in section 101—

21 (i) in subsection (c)—

22 (I) by redesignating paragraphs
23 (6) and (7) as paragraphs (8) and
24 (9), respectively; and

1 (II) by inserting after paragraph
2 (5) the following new paragraphs:

3 “(6) The term ‘Space National Guard’ means
4 that part of the organized militia of the several
5 States and territories, Puerto Rico, and the District
6 Of Columbia, active and inactive, that—

7 “(A) is a space force;

8 “(B) is trained, and has its officers ap-
9 pointed under the sixteenth clause of section 8,
10 article I of the Constitution;

11 “(C) is organized, armed, and equipped
12 wholly or partly at Federal expense; and

13 “(D) is federally recognized.

14 “(7) The term ‘Space National Guard of the
15 United States’ means the reserve component of the
16 Space Force all of whose members are members of
17 the Space National Guard.”.

18 (B) in section 10101—

19 (i) in the matter preceding paragraph
20 (1), by inserting “the following” before the
21 colon; and

22 (ii) by adding at the end the following
23 new paragraph:

24 “(8) The Space National Guard of the United
25 States.”; and

1 (2) TITLE 32, UNITED STATES CODE.—Section
2 101 of title 32, United States Code is amended—

3 (A) by redesignating paragraphs (8)
4 through (19) as paragraphs (10) and (21), re-
5 spectively; and

6 (B) by inserting after paragraph (7) the
7 following new paragraphs:

8 “(8) The term ‘Space National Guard’ means
9 that part of the organized militia of the several
10 States and territories, Puerto Rico, and the District
11 Of Columbia, in which the Space Force operates, ac-
12 tive and inactive, that—

13 “(A) is a space force;

14 “(B) is trained, and has its officers ap-
15 pointed under the sixteenth clause of section 8,
16 article I of the Constitution;

17 “(C) is organized, armed, and equipped
18 wholly or partly at Federal expense; and

19 “(D) is federally recognized.

20 “(9) The term ‘Space National Guard of the
21 United States’ means the reserve component of the
22 Space Force all of whose members are members of
23 the Space National Guard.”.

24 (b) RESERVE COMPONENTS.—Chapter 1003 of title
25 10, United States Code, is amended—

1 (1) by adding at the end the following new sec-
2 tions:

3 **“§ 10115. Space National Guard of the United States:**
4 **composition**

5 “The Space National Guard of the United States is
6 the reserve component of the Space Force that consists
7 of—

8 “(1) federally recognized units and organiza-
9 tions of the Space National Guard; and

10 “(2) members of the Space National Guard who
11 are also Reserves of the Space Force.

12 **“§ 10116. Space National Guard: when a component of**
13 **the Space Force**

14 “The Space National Guard while in the service of
15 the United States is a component of the Space Force.

16 **“§ 10117. Space National Guard of the United States:**
17 **status when not in Federal service**

18 “When not on active duty, members of the Space Na-
19 tional Guard of the United States shall be administered,
20 armed, equipped, and trained in their status as members
21 of the Space National Guard.”; and

22 (2) in the table of sections at the beginning of
23 such chapter, by adding at the end the following new
24 items:

“10115. Space National Guard of the United States: composition.

“10116. Space National Guard: when a component of the Space Force.

“10117. Space National Guard of the United States: status when not in Federal service.”.

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

4 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

5 (1) **AUTHORITY.**—Upon determination by the
6 Secretary of Defense that such action is necessary in
7 the national interest, the Secretary may transfer
8 amounts of authorizations made available to the De-
9 partment of Defense in this division for fiscal year
10 2022 between any such authorizations for that fiscal
11 year (or any subdivisions thereof). Amounts of au-
12 thorizations so transferred shall be merged with and
13 be available for the same purposes as the authoriza-
14 tion to which transferred.

15 (2) **LIMITATION.**—Except as provided in para-
16 graph (3), the total amount of authorizations that
17 the Secretary may transfer under the authority of
18 this section may not exceed \$6,500,000,000.

19 (3) **EXCEPTION FOR TRANSFERS BETWEEN**
20 **MILITARY PERSONNEL AUTHORIZATIONS.**—A trans-
21 fer of funds between military personnel authoriza-
22 tions under title IV shall not be counted toward the
23 dollar limitation in paragraph (2).

1 (b) LIMITATIONS.—The authority provided by sub-
2 section (a) to transfer authorizations—

3 (1) may only be used to provide authority for
4 items that have a higher priority than the items
5 from which authority is transferred; and

6 (2) may not be used to provide authority for an
7 item that has been denied authorization by Con-
8 gress.

9 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
10 transfer made from one account to another under the au-
11 thority of this section shall be deemed to increase the
12 amount authorized for the account to which the amount
13 is transferred by an amount equal to the amount trans-
14 ferred.

15 (d) NOTICE TO CONGRESS.—The Secretary shall
16 promptly notify Congress of each transfer made under
17 subsection (a).

18 **SEC. 1002. DETERMINATION OF BUDGETARY EFFECTS.**

19 The budgetary effects of this Act, for the purpose of
20 complying with the Statutory Pay-As-You-Go Act of 2010,
21 shall be determined by reference to the latest statement
22 titled “Budgetary Effects of PAYGO Legislation” for this
23 Act, submitted for printing in the Congressional Record
24 by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the
2 vote on passage.

3 **SEC. 1003. BUDGET JUSTIFICATION FOR OPERATION AND**
4 **MAINTENANCE.**

5 (a) SUBACTIVITY GROUP BY FUTURE YEARS.—Sec-
6 tion 233 of title 10, United States Code, is amended—

7 (1) by redesignating subsection (c) as sub-
8 section (e); and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection (c):

11 “(c) SUBACTIVITY GROUPS.—The Secretary of De-
12 fense, in consultation with the Secretary of each of the
13 military departments, shall include in the materials sub-
14 mitted to Congress by the Secretary of Defense in support
15 of the President’s budget, in an unclassified format, the
16 total amount projected for each individual subactivity
17 group, as detailed in the future years defense program
18 pursuant to section 221 of this title.”.

19 (b) BUDGET SUBMISSION DISPLAY.—Section 233 of
20 title 10, United States Code, is further amended by insert-
21 ing after subsection (c), as added by subsection (a), the
22 following new subsection:

23 “(d) BUDGET DISPLAY.—The Secretary of Defense,
24 in consultation with the Secretary of each of the military
25 departments, shall include in the O&M justification docu-

1 ments a budget display to provide for discussion and eval-
2 uation of the resources required to meet material readi-
3 ness objectives, as identified in the metrics required by
4 section 118 of this title. For each major weapon system,
5 by designated mission design series, variant, or class, the
6 budget display required under this subsection for the
7 budget year shall include each of the following:

8 “(1) The material availability objective estab-
9 lished in accordance with the requirements of section
10 118 of this title.

11 “(2) The funds obligated by subactivity group
12 within the operation and maintenance accounts for
13 the second fiscal year preceding the budget year.

14 “(3) The funds estimated to be obligated by
15 subactivity group within the operation and mainte-
16 nance accounts for the fiscal year preceding the
17 budget year.

18 “(4) The funds budgeted and programmed
19 across the future years defense program within the
20 operation and maintenance accounts by subactivity
21 group.

22 “(5) A narrative discussing the performance of
23 the Department against established material readi-
24 ness objectives for each major weapon system by
25 mission design series, variant, or class (and any re-

1 lated supply chain risks) and any specific actions or
2 investments the Department intends to take to
3 achieve the material readiness objectives for each
4 such system.”.

5 (c) IMPLEMENTATION DEADLINE.—The Secretary of
6 Defense shall ensure that the budget display requirements
7 required under the amendments made by this section are
8 included in the budget request for fiscal year 2023 and
9 all fiscal years thereafter.

10 (d) CONFORMING REPEAL.—Section 357 of the John
11 S. McCain National Defense Authorization Act for Fiscal
12 Year 2019 (Public Law 115–232; 10 U.S.C. 221 note) is
13 repealed.

14 **SEC. 1004. REVISION OF LIMITATION ON FUNDING FOR**
15 **COMBATANT COMMANDS THROUGH COMBAT-**
16 **ANT COMMANDER INITIATIVE FUND.**

17 Section 166a(e)(1) of title 10, United States Code,
18 is amended—

19 (1) in subparagraph (A)—

20 (A) by striking “\$20,000,000” and insert-
21 ing “\$25,000,000”; and

22 (B) by striking “\$250,000” and inserting
23 “\$300,000”;

24 (2) in subparagraph (B), by striking
25 “\$10,000,000” and inserting “\$15,000,000”; and

1 (3) in subparagraph (C), by striking
2 “\$5,000,000” and inserting “\$10,000,000”.

3 **Subtitle B—Naval Vessels**

4 **SEC. 1011. CRITICAL COMPONENTS OF NATIONAL SEA-** 5 **BASED DETERRENCE VESSELS.**

6 Section 2218a(k)(3) of title 10, United States Code,
7 is amended by adding at the end the following new sub-
8 paragraphs:

9 “(P) Major bulkheads and tanks.

10 “(Q) All major pumps and motors.

11 “(R) Large vertical array.

12 “(S) Atmosphere control equipment.

13 “(T) Diesel systems and components.

14 “(U) Hydraulic valves and components.

15 “(V) Bearings.

16 “(W) Major air and blow valves and com-
17 ponents.

18 “(X) Decks and superstructure.

19 “(Y) Castings, forgings, and tank struc-
20 ture.

21 “(Z) Hatches and hull penetrators.”.

22 **SEC. 1012. BIENNIAL REPORT ON SHIPBUILDER TRAINING** 23 **AND THE DEFENSE INDUSTRIAL BASE.**

24 (a) TECHNICAL CORRECTION.—The second section
25 8692 of title 10, United States Code, as added by section

1 1026 of the William M. (Mac) Thornberry National De-
2 fense Authorization Act for Fiscal Year 2021 (Public Law
3 116–283) is redesignated as section 8693 and the table
4 of sections at the beginning of chapter 863 of such title
5 is conformed accordingly.

6 (b) MODIFICATION OF REPORT.—Such section is fur-
7 ther amended—

8 (1) by striking “Not later” and inserting “(a)
9 IN GENERAL.—Not later”;

10 (2) in subsection (a), as so redesignated, by
11 adding at the end the following new paragraph:

12 “(7) An analysis of the potential benefits of
13 multi-year procurement contracting for the stability
14 of the shipbuilding defense industrial base.”; and

15 (3) by adding at the end the following new sub-
16 section:

17 “(b) SOLICITATION AND ANALYSIS OF INFORMA-
18 TION.—In order to carry out subsection (a)(2), the Sec-
19 retary of the Navy and Secretary of Labor shall—

20 “(1) solicit information regarding the age demo-
21 graphics and occupational experience level from the
22 private shipyards of the shipbuilding defense indus-
23 trial base; and

24 “(2) analyze such information for findings rel-
25 evant to carrying out subsection (a)(2), including

1 findings related to the current and projected defense
2 shipbuilding workforce, current and projected labor
3 needs, and the readiness of the current and pro-
4 jected workforce to supply the proficiencies analyzed
5 in subsection (a)(1).”.

6 **SEC. 1013. REVISION OF SUSTAINMENT KEY PERFORMANCE**
7 **PARAMETERS FOR SHIPBUILDING PRO-**
8 **GRAMS.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date of the enactment of this Act, the Secretary of Defense
11 shall update the policy for the Joint Capabilities Integra-
12 tion and Development System to ensure that the guidance
13 for setting sustainment key performance parameters for
14 shipbuilding programs accounts for all factors that could
15 affect the operational availability and materiel availability
16 of a ship. Such changes shall include—

17 (1) changing the definition of “operational
18 availability” as it applies to ships so that such defi-
19 nition applies according to mission area and includes
20 all equipment failures that affect the ability of a
21 ship to perform primary missions; and

22 (2) changing the definition of “materiel avail-
23 ability” as is it applies to ships so that such defini-
24 tion takes into account all factors that could result
25 in a ship being unavailable for operations, including

1 unplanned maintenance, unplanned losses, and
2 training.

3 (b) REPORT REQUIRED.—Not later than 180 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to congressional defense commit-
6 tees a report on the plan of the Secretary to—

7 (1) incorporate the sustainment key perform-
8 ance parameters revised under subsection (a) into
9 the requirement documents of new and ongoing ship-
10 building programs; and

11 (2) establish a process for translating such
12 sustainment key performance parameters into spe-
13 cific contract requirements for systems engineering
14 and ship design.

15 (c) COMPTROLLER GENERAL REVIEW.—Not later
16 than one year after the Secretary of Defense submits the
17 report required under subsection (b), the Comptroller
18 General of the United States shall submit to the congres-
19 sional defense committees an assessment of such report
20 that includes an evaluation of—

21 (1) the sustainment key performance param-
22 eters for Department of Defense shipbuilding pro-
23 grams;

24 (2) how shipbuilding programs translate
25 sustainment key performance parameters into con-

1 tract requirements for systems engineering and ship
2 design activities; and

3 (3) any other matter the Comptroller General
4 determines appropriate.

5 **SEC. 1014. PROHIBITION ON USE OF FUNDS FOR RETIRE-**
6 **MENT OF MARK VI PATROL BOATS.**

7 (a) PROHIBITION.—None of the funds authorized to
8 be appropriated by this Act or otherwise made available
9 for fiscal year 2022 for the Navy may be obligated or ex-
10 pended to retire, prepare to retire, or place in storage any
11 Mark VI patrol boat.

12 (b) REPORT.—Not later than February 15, 2022, the
13 Secretary of the Navy, in consultation with the Com-
14 mandant of the Marine Corps, shall submit to the congres-
15 sional defense committees a report that includes each of
16 the following:

17 (1) The rationale for the retirement of existing
18 Mark VI patrol boats, including an operational anal-
19 ysis of the effect of such retirements on the
20 warfighting requirements of the combatant com-
21 manders.

22 (2) A review of operating concepts for escorting
23 high value units without the Mark VI patrol boat.

24 (3) A description of the manner and concept of
25 operations in which the Marine Corps could use the

1 Mark VI patrol boat to support distributed maritime
2 operations, advanced expeditionary basing oper-
3 ations, and persistent presence near maritime choke
4 points and strategic littorals in the Indo-Pacific re-
5 gion.

6 (4) An assessment of the potential for modifica-
7 tion, and the associated costs, of the Mark VI patrol
8 boat for the inclusion of loitering munitions or anti-
9 ship cruise missiles, such as the Long Range Anti
10 Ship Missile and the Naval Strike Missile, particu-
11 larly to support the concept of operations described
12 in paragraph (3).

13 (5) A description of resources required for the
14 Marine Corps to possess, man, train, and maintain
15 the Mark VI patrol boat in the performance of the
16 concept of operations described in paragraph (3) and
17 modifications described in paragraph (4).

18 (6) At the discretion of the Commandant of the
19 Marine Corps, a plan for the Marine Corps to take
20 possession of the Mark VI patrol boat not later than
21 September 30, 2022.

22 (7) Such other matters the Secretary deter-
23 mines appropriate.

1 **SEC. 1015. ASSESSMENT OF SECURITY OF GLOBAL MARI-**
2 **TIME CHOKEPOINTS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port on the security of global maritime chokepoints from
7 the threat of hostile kinetic attacks, cyber disruptions, and
8 other form of sabotage. The report shall include an assess-
9 ment of each of the following with respect to each global
10 maritime chokepoint covered by the report:

11 (1) The expected length of time and resources
12 required for operations to resume at the chokepoint
13 in the event of attack, sabotage, or other disruption
14 of regular maritime operations.

15 (2) The security of any secondary chokepoint
16 that could be affected by a disruption at the global
17 maritime chokepoint.

18 (3) Options to mitigate any vulnerabilities re-
19 sulting from a hostile kinetic attack, cyber disrup-
20 tion, or other form of sabotage at the chokepoint.

21 (b) FORM OF REPORT.—The report required by sub-
22 section (a) shall be submitted in unclassified form, but
23 may contain a classified annex.

24 (c) GLOBAL MARITIME CHOKEPOINT.—In this sec-
25 tion, the term “global maritime chokepoint” means any
26 of the following:

- 1 (1) The Panama Canal.
- 2 (2) The Suez Canal.
- 3 (3) The Strait of Malacca.
- 4 (4) The Strait of Hormuz.
- 5 (5) The Bab el-Mandeb Strait.
- 6 (6) Any other chokepoint determined appro-
- 7 priate by the Secretary.

8 **SEC. 1016. ANNUAL REPORT ON SHIP MAINTENANCE.**

9 (a) IN GENERAL.—Chapter 863 of title 10, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 8694. Annual report on ship maintenance**

13 “(a) REPORT REQUIRED.—Not later than October 15
14 of each year, the Secretary of the Navy shall submit to
15 the Committees on Armed Services of the Senate and
16 House of Representatives a report setting forth each of
17 the following:

18 “(1) A description of all ship maintenance
19 planned for the fiscal year during which the report
20 is submitted, by hull.

21 “(2) The estimated cost of the maintenance de-
22 scribed in paragraph (1).

23 “(3) A summary of all ship maintenance con-
24 ducted by the Secretary during the previous fiscal
25 year.

1 “(4) A detailed description of any ship mainte-
2 nance that was deferred during the previous fiscal
3 year, including specific reasons for the delay or can-
4 cellation of any availability.

5 “(5) A detailed description of the effect of each
6 of the planned ship maintenance actions that were
7 delayed or cancelled during the previous fiscal year,
8 including—

9 “(A) a summary of the effects on the costs
10 and schedule for each delay or cancellation; and

11 “(B) the accrued operational and fiscal
12 cost of all the deferments over the fiscal year.

13 “(b) FORM OF REPORT.— Each report submitted
14 under subsection (a) shall submitted in unclassified form
15 and made publicly available on an appropriate internet
16 website in a searchable format, but may contain a classi-
17 fied annex.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by adding
20 at the end the following new section:

 “8694. Annual report on ship maintenance.”.

21 **SEC. 1017. AVAILABILITY OF FUNDS FOR RETIREMENT OR**
22 **INACTIVATION OF TICONDEROGA CLASS**
23 **CRUISERS.**

24 (a) LIMITATION ON AVAILABILITY OF FUNDS.—Ex-
25 cept as provided in subsection (b), none of the funds au-

1 thORIZED to be appropriated by this Act or otherwise made
2 available for fiscal year 2022 for the Department of De-
3 fense may be obligated or expended to retire, prepare to
4 retire, inactivate, or place in storage a cruiser.

5 (b) EXCEPTION.—Notwithstanding subsection (a),
6 the funds referred to in such subsection may be obligated
7 or expended to retire any of the following vessels:

8 (1) The USS Hue City (CG 66).

9 (2) The USS Vela Gulf (CG72).

10 (3) The USS Port Royal (CG 73).

11 (4) USS Anzio (CG 68).

12 **SEC. 1018. CONGRESSIONAL NOTIFICATION OF PENDING**
13 **RETIREMENTS OF NAVAL VESSELS THAT ARE**
14 **VIABLE CANDIDATES FOR ARTIFICIAL**
15 **REEFING.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Secretary of the Navy should explore and
18 solicit artificial reefing opportunities with appropriate en-
19 tities for any naval vessel planned for retirement before
20 initiating any plans to dispose of the vessel.

21 (b) REPORT.—Not later than 90 days before the re-
22 tirement from the Naval Vessel Register of any naval ves-
23 sel that is a viable candidate for artificial reefing, the Sec-
24 retary of the Navy shall notify Congress of the pending
25 retirement of such vessel.

1 **SEC. 1019. AWARD OF CONTRACTS FOR SHIP REPAIR WORK**
2 **TO NON-HOMEPORT SHIPYARDS TO MEET**
3 **SURGE CAPACITY.**

4 Section 8669a of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(d) In order to meet surge capacity, the Secretary
8 of the Navy may solicit proposals from, and award con-
9 tracts for ship repair to, non-homeport shipyards that oth-
10 erwise meet the requirements of the Navy for ship repair
11 work.”.

12 **Subtitle C—Counterterrorism**

13 **SEC. 1021. INCLUSION IN COUNTERTERRORISM BRIEFINGS**
14 **OF INFORMATION ON USE OF MILITARY**
15 **FORCE IN COLLECTIVE SELF-DEFENSE.**

16 Section 485(b) of title 10, United States Code, is
17 amended—

18 (1) by redesignating paragraph (4) as para-
19 graph (5); and

20 (2) by inserting after paragraph (3) the fol-
21 lowing new paragraph (4):

22 “(4) A detailed overview of all instances of the
23 use of military force by Special Operations Forces
24 under the notion of the collective self-defense of for-
25 eign partners that includes, for each such instance—

1 “(A) the date, location, and duration of the
2 use of military force;

3 “(B) an identification of any foreign forces
4 involved;

5 “(C) a description of the capabilities em-
6 ployed;

7 “(D) a description of the circumstances
8 that led to use of military force; and

9 “(E) the operational authorities or execute
10 orders for the instance.”.

11 **SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK**
12 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
13 **FORCEMENT AGENCIES CONDUCTING**
14 **COUNTER-TERRORISM ACTIVITIES.**

15 Section 1022(b) of the National Defense Authoriza-
16 tion Act for Fiscal Year 2004 (Public Law 108–136; 10
17 U.S.C. 271 note) is amended by striking “2022” and in-
18 serting “2024”.

19 **SEC. 1023. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
20 **OR RELEASE OF INDIVIDUALS DETAINED AT**
21 **UNITED STATES NAVAL STATION, GUANTA-**
22 **NAMO BAY, CUBA, TO CERTAIN COUNTRIES.**

23 No amounts authorized to be appropriated or other-
24 wise made available for the Department of Defense may
25 be used during the period beginning on the date of the

1 enactment of this Act and ending on December 31, 2022,
2 to transfer, release, or assist in the transfer or release of
3 any individual detained in the custody or under the control
4 of the Department of Defense at United States Naval Sta-
5 tion, Guantanamo Bay, Cuba, to the custody or control
6 of any country, or any entity within such country, as fol-
7 lows:

- 8 (1) Libya.
- 9 (2) Somalia.
- 10 (3) Syria.
- 11 (4) Yemen.

12 **SEC. 1024. PUBLIC AVAILABILITY OF MILITARY COMMIS-**
13 **SION PROCEEDINGS.**

14 Section 949d(e) of title 10, United States Code, is
15 amended by adding at the end the following new para-
16 graph:

17 “(4) In the case of any proceeding of a military com-
18 mission under this chapter that is made open to the public,
19 the military judge may order arrangements for the avail-
20 ability of the proceeding to be watched remotely by the
21 public through the internet.”.

1 **Subtitle D—Miscellaneous**
2 **Authorities and Limitations**

3 **SEC. 1031. NAVY COORDINATION WITH COAST GUARD ON**
4 **AIRCRAFT, WEAPONS, TACTICS, TECHNIQUE,**
5 **ORGANIZATION, AND EQUIPMENT OF JOINT**
6 **CONCERN.**

7 Section 8062(d) of title 10, United States Code, is
8 amended by inserting “the Coast Guard,” after “the Air
9 Force,”.

10 **SEC. 1032. PROHIBITION ON USE OF NAVY, MARINE CORPS,**
11 **AND SPACE FORCE AS POSSE COMITATUS.**

12 (a) IN GENERAL.—Section 1385 of title 18, United
13 States Code, is amended—

14 (1) by striking “or” after “Army” and inserting
15 “, the Navy, the Marine Corps,”;

16 (2) by inserting “, or the Space Force” after
17 “Air Force”; and

18 (3) in the section heading, by striking “**Army**
19 **and Air Force**” and inserting “**Army, Navy,**
20 **Marine Corps, Air Force, and Space**
21 **Force**”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 67 of such title is amended
24 by striking the item relating to section 1385 and inserting
25 the following new item:

“1385. Use of Army, Navy, Marine Corps, Air Force, and Space Force as posse comitatus”.

1 **SEC. 1033. PROGRAM TO IMPROVE RELATIONS BETWEEN**
2 **MEMBERS OF THE ARMED FORCES AND MILI-**
3 **TARY COMMUNITIES.**

4 (a) IN GENERAL.—Chapter 23 of title 10, United
5 States Code, is amended by inserting after section 481a
6 the following new section:

7 **“§ 481b. Program to improve relations between mem-**
8 **bers of the Armed Forces and military**
9 **communities**

10 “(a) SURVEY.—(1) The Secretary of Defense, acting
11 through the Office of Diversity Management and Equal
12 Opportunity, shall conduct a biennial survey of covered in-
13 dividuals regarding relations between covered individuals
14 and covered communities.

15 “(2) The survey shall be conducted to solicit informa-
16 tion from covered individuals regarding the following:

17 “(A) Rank, age, racial, ethnic, and gender de-
18 mographics of the covered individuals.

19 “(B) Relationships of covered individuals with
20 the covered community, including support services
21 and acceptance of the military community.

22 “(C) Availability of housing, employment oppor-
23 tunities for military spouses, health care, education,
24 and other relevant issues.

1 “(D) Initiatives of local government and com-
2 munity organizations in addressing diversity, equity,
3 and inclusion.

4 “(E) Physical safety while in a covered commu-
5 nity but outside the military installation located in
6 such covered community.

7 “(F) Any other matters designated by the Sec-
8 retary of Defense.

9 “(b) ADDITIONAL ACTIVITIES.—Additional activities
10 under this section may include the following:

11 “(1) Facilitating local listening sessions and in-
12 formation exchanges.

13 “(2) Developing educational campaigns.

14 “(3) Supplementing existing local and national
15 defense community programs.

16 “(4) Sharing best practices and activities.

17 “(c) COORDINATION.—To support activities under
18 this section, the Secretary of Defense may coordinate with
19 local governments or not-for-profit organizations that rep-
20 resent covered individuals.

21 “(d) REPORT.—(1) Not later than September 30 of
22 every other year, the Secretary of Defense shall submit
23 to the Committees on Armed Services of the Senate and
24 the House of Representatives a report on the most recent
25 survey under subsection (a).

1 “(2) Each report under paragraph (1) shall include—

2 “(A) with respect to each covered community—

3 “(i) the results of the survey required
4 under subsection (b); and

5 “(ii) activities conducted to address racial
6 inequity in the community;

7 “(B) aggregate results of the survey required
8 under subsection (b); and

9 “(C) best practices for creating positive rela-
10 tionships between covered individuals and covered
11 communities.

12 “(3) The Secretary of Defense shall—

13 “(A) designate ten geographically diverse mili-
14 tary installations for review in each survey;

15 “(B) make the results of each report under
16 paragraph (1) available on a publicly accessible
17 website of the Department of Defense; and

18 “(C) ensure that any data included with the re-
19 port is made available in a machine-readable format
20 that is downloadable, searchable, and sortable.

21 “(e) DEFINITIONS.—In this section:

22 “(1) The term ‘covered community’ means a
23 military installation designated under subsection
24 (e)(3)(A) and the area within 10 miles of such mili-
25 tary installation.

1 “(2) The term ‘covered individual’ means any of
2 the following who lives in a covered community or
3 works on a military installation in a covered commu-
4 nity:

5 “(A) A member of the armed forces.

6 “(B) A family member of an individual de-
7 scribed in subparagraph (A) or (B).

8 “(3) The term ‘military installation’ has the
9 meaning given such term in section 2801 of this
10 title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 481a the following new
14 item:

 “481b. Program to improve relations between members of the Armed Forces
 and military communities.”.

15 (c) IMPLEMENTATION.—The Secretary of Defense
16 shall carry out the first survey under section 481b(a) of
17 such title, as added by subsection (a), not later than one
18 year after the date of the enactment of this Act.

19 **SEC. 1034. AUTHORITY TO PROVIDE SPACE AND SERVICES**
20 **TO MILITARY WELFARE SOCIETIES.**

21 Section 2566 of title 10, United States Code is
22 amended—

23 (1) in subsection (a), by striking “of a military
24 department” and inserting “concerned”; and

1 (2) in subsection (b)(1), by adding at the end
2 the following new subparagraph:

3 “(D) The Coast Guard Mutual Assist-
4 ance.”.

5 **SEC. 1035. REQUIRED REVISION OF DEPARTMENT OF DE-**
6 **FENSE UNMANNED AIRCRAFT SYSTEMS CAT-**
7 **EGORIZATION.**

8 (a) **IN GENERAL.**—The Under Secretary of Defense
9 for Acquisition and Sustainment shall initiate a process
10 to review and revise the system used by the Department
11 of Defense for categorizing unmanned aircraft systems, as
12 described in Joint Publication 3–30 titled “Joint Air Op-
13 erations”.

14 (b) **REQUIRED ELEMENTS FOR REVISION.**—In revis-
15 ing the characteristics associated with any of the five cat-
16 egories of unmanned aircraft systems in effect as of the
17 date of the enactment of this Act, the Under Secretary
18 of Defense for Acquisition and Sustainment shall consider
19 the effect a revision would have on—

20 (1) the future capability and employment needs
21 to support current and emerging warfighting con-
22 cepts;

23 (2) advanced systems and technologies available
24 in the current commercial marketplace;

1 (3) the rapid fielding of unmanned aircraft sys-
2 tems technology; and

3 (4) the integration of unmanned aircraft sys-
4 tems into the National Airspace System.

5 (c) CONSULTATION REQUIREMENTS.—In carrying
6 out the review required under subsection (a), the Under
7 Secretary of Defense for Acquisition and Sustainment
8 shall consult with—

9 (1) the Secretaries of the Military Departments;

10 (2) the Chairman of the Joint Chiefs of Staff;

11 and

12 (3) the Administrator of the Federal Aviation
13 Administration.

14 (d) REPORT REQUIRED.—Not later than March 1,
15 2022, the Under Secretary of Defense for Acquisition and
16 Sustainment shall submit to the congressional defense
17 committees, the Committee on Transportation and Infra-
18 structure of the House of Representatives, and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate a report describing the results of the review initi-
21 ated under subsection (a), any revisions planned to the
22 system used by the Department of Defense for catego-
23 rizing unmanned aircraft systems as a result of such re-
24 view, and a proposed implementation plan and timelines
25 for such revisions.

1 **SEC. 1036. LIMITATION ON FUNDING FOR INFORMATION**
2 **OPERATIONS MATTERS.**

3 Of the amounts authorized to be appropriated for fis-
4 cal year 2022 by section 301 for operation and mainte-
5 nance and available for the Office of the Secretary of De-
6 fense for the travel of persons as specified in the table
7 in section 4301—

8 (1) not more than 25 percent shall be available
9 until the date on which the report required by sub-
10 section (h)(1) of section 1631 of the National De-
11 fense Authorization Act for Fiscal Year 2020 (Pub-
12 lic Law 116–92) is submitted to the Committee on
13 Armed Services of the Senate and the Committee on
14 Armed Services House of Representatives; and

15 (2) not more than 75 percent shall be available
16 until the date on which the strategy and posture re-
17 view required by subsection (g) of such section is
18 submitted to such committees.

19 **SEC. 1037. PROHIBITION ON PROVISION OF EQUIPMENT TO**
20 **OTHER DEPARTMENTS AND AGENCIES FOR**
21 **PROTECTION OF CERTAIN FACILITIES AND**
22 **ASSETS FROM UNMANNED AIRCRAFT.**

23 None of the funds authorized to be appropriated by
24 this Act or otherwise made available for fiscal year 2022
25 for the Department of Defense, may be obligated or ex-
26 pended to acquire, loan, transfer, sell, or otherwise provide

1 equipment to a department or Federal agency for use by
2 such department or agency in exercising authorities or
3 taking actions pursuant to section 210G of the Homeland
4 Security Act of 2002 (6 U.S.C. 124n).

5 **SEC. 1038. LIMITATION ON USE OF FUNDS FOR UNITED**
6 **STATES SPACE COMMAND HEADQUARTERS.**

7 None of the funds authorized to be appropriated by
8 this Act or otherwise made available for fiscal year 2022
9 for the Department of Defense may be obligated or ex-
10 pended to construct, plan, or design a new headquarters
11 building for United States Space Command until the In-
12 spector General of the Department of the Defense and the
13 Comptroller General of the United States complete site se-
14 lection reviews for such building.

15 **SEC. 1039. LIMITATION ON CONTRACT AUTHORITY TO IM-**
16 **PROVE REPRESENTATION IN CERTAIN MEDIA**
17 **PROJECTS INVOLVING DEPARTMENT OF DE-**
18 **FENSE.**

19 (a) **LIMITATION ON CONTRACT AUTHORITY.**—Nei-
20 ther the Secretary of Defense, nor any Secretary of a mili-
21 tary department, may enter into a covered contract for
22 any film or publishing project for entertainment-oriented
23 media unless the covered contract includes a provision that
24 requires consideration of diversity in carrying out the
25 project, including consideration of the following:

1 (1) The composition of the community rep-
2 resented in the project and whether such community
3 is inclusive of historically marginalized communities.

4 (2) The depiction of the community represented
5 in the project and whether or not the project ad-
6 vances any inaccurate or harmful stereotypes as a
7 result of such depiction.

8 (b) ANNUAL REPORTS.—Not later than one year
9 after the date of the enactment of this Act, and annually
10 thereafter for five years, the Secretary of Defense shall
11 submit to the Committees on Armed Services of the House
12 of Representatives and the Senate a report containing,
13 with respect to the year covered by the report, the fol-
14 lowing:

15 (1) The total number of projects for which the
16 Secretary provided assistance pursuant to a covered
17 contract.

18 (2) A summary of the projects specified in
19 paragraph (1).

20 (3) A summary of the communities represented
21 in such projects.

22 (4) A summary of the involvement of the De-
23 partment of Defense with respect to such projects.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “covered contract” means a con-
2 tract or production assistance agreement entered
3 into with a nongovernmental entertainment-oriented
4 media producer or publisher.

5 (2) The term “entertainment-oriented media”
6 includes books and other forms of print media that
7 are entertainment-oriented.

8 (3) The term “marginalized community” means
9 a community of individuals that is, or historically
10 was, under-represented in the industry of film, tele-
11 vision, or publishing, including—

12 (A) women;

13 (B) racial and ethnic minorities;

14 (C) individuals with disabilities; and

15 (D) members of the LGBTQ communities.

16 (4) The term “military department” has the
17 meaning given such term in section 101 of title 10,
18 United States Code.

19 **SEC. 1039A LIMITATION ON RETIREMENT OF LCM-8 LAND-**
20 **ING CRAFT PLATFORM.**

21 (a) **FINDING.**—Congress finds that the LCM-8 served
22 a vital function in disaster response operations following
23 Hurricane Maria.

24 (b) **LIMITATION.**—None of the funds authorized to
25 be appropriated by this Act or otherwise made available

1 for the Department of Defense for fiscal year 2022 may
2 be used to retire the LCM-8 platform from service in
3 Puerto Rico.

4 **SEC. 1039B. CONSIDERATION OF HUMAN RIGHTS RECORDS**
5 **OF RECIPIENTS OF SUPPORT OF SPECIAL OP-**
6 **ERATIONS TO COMBAT TERRORISM.**

7 Section 127e of title 10, United States Code, is
8 amended—

9 (1) in subsection (c)(2) by adding at the end of
10 the following new subparagraph—

11 “(D) The processes through which the Sec-
12 retary shall ensure that, prior to a decision to
13 provide any support to foreign forces, irregular
14 forces, groups, or individuals, full consideration
15 is given to any credible information relating to
16 violations of human rights by such entities.”.

17 (2) in subsection (d)(2)—

18 (A) in subparagraph (H), by inserting “,
19 including the promotion of good governance and
20 rule of law and the protection of civilians and
21 human rights” before the period at the end;

22 (B) in subparagraph (I)—

23 (i) by striking the period at the end
24 and inserting “or violations of the Geneva
25 Conventions of 1949, including—”; and

1 (ii) by adding at the end the following
2 new clauses:

3 “(i) vetting units receiving such sup-
4 port for violations of human rights;

5 “(ii) providing human rights training
6 to units receiving such support; and

7 “(iii) providing for the investigation of
8 allegations of violations of human rights
9 and termination of such support in cases
10 of credible information of such violations.”;
11 and

12 (C) by adding at the end the following new
13 subparagraph:

14 “(J) A description of the human rights
15 record of the recipient, including for purposes
16 of section 362 of this title, and any relevant at-
17 tempts by such recipient to remedy such
18 record.”;

19 (3) in subsection (i)(3) by adding at the end the
20 following new subparagraph:

21 “(I) An assessment of how support pro-
22 vided under this section advances United States
23 national security priorities and aligns with
24 other United States Government efforts to ad-

1 dress underlying risk factors of terrorism and
2 violent extremism.”; and

3 (4) by adding at the end the following new sub-
4 section:

5 “(j) PROHIBITION ON USE OF FUNDS.—(1) Except
6 as provided in paragraphs (2) and (3), no funds may be
7 used to provide support to any foreign forces, irregular
8 forces, groups, or individuals if the Secretary of Defense
9 has credible information that the unit has committed a
10 gross violation of human rights.

11 “(2) The Secretary of Defense may waive the prohibi-
12 tion under paragraph (1) if the Secretary determines that
13 the waiver is required by extraordinary circumstances.

14 “(3) The prohibition under paragraph (1) shall not
15 apply with respect to the foreign forces, irregular forces,
16 groups, or individuals of a country if the Secretary of De-
17 fense determines that—

18 “(A) the government of such country has taken
19 all necessary corrective steps; or

20 “(B) the support is necessary to assist in dis-
21 aster relief operations or other humanitarian or na-
22 tional security emergencies.”.

1 **SEC. 1039C. LIMITATION ON USE OF FUNDS PENDING COM-**
2 **PLIANCE WITH CERTAIN STATUTORY RE-**
3 **PORTING REQUIREMENTS.**

4 (a) **LIMITATION.**—Of the funds authorized to be ap-
5 propriated or otherwise made available for fiscal year 2022
6 for the Office of the Secretary of Defense for travel ex-
7 penses, not more than 90 percent may be obligated or ex-
8 pended before the date on which all of the following re-
9 ports are submitted to Congress and made publicly avail-
10 able:

11 (1) The report required under section 589F(c)
12 of the William M. (Mac) Thornberry National De-
13 fense Authorization Act for Fiscal Year 2021 (Pub-
14 lic Law 116–283).

15 (2) The report required under section 888 of
16 the National Defense Authorization Act for Fiscal
17 Year 2020 (Public Law 116–92).

18 (b) **BRIEFING REQUIREMENT.**—Not later than 30
19 days after the date of the enactment of this Act, the Sec-
20 retary of Defense shall provide to the Committees on
21 Armed Services of the Senate and House of Representa-
22 tives a briefing on obstacles to compliance with congres-
23 sional mandated reporting requirements.

1 **Subtitle E—Studies and Reports**

2 **SEC. 1041. CONGRESSIONAL OVERSIGHT OF ALTERNATIVE**
3 **COMPENSATORY CONTROL MEASURES.**

4 Section 119a of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(g) CONGRESSIONAL NOTIFICATION REQUIRE-
8 MENTS.—

9 “(1) NOTICE OF INITIATION.—Not later than
10 30 days after receiving notice of the establishment
11 of any new program to be managed under alter-
12 native compensatory control measures, the Under
13 Secretary of Defense for Policy shall submit to the
14 congressional defense committees notice of such new
15 program. Such notice shall include—

16 “(A) the unclassified nickname assigned to
17 the program;

18 “(B) the designation of the program spon-
19 sor;

20 “(C) a description of the essential informa-
21 tion to be protected under the program; and

22 “(D) the effective activation date and ex-
23 pected duration of the program.

24 “(2) NOTICE OF TERMINATION.—Not later than
25 30 days after receiving notice of the termination of

1 any program managed under alternative compen-
2 satory control measures, the Under Secretary of De-
3 fense for Policy shall submit to the congressional de-
4 fense committees notice of such termination.

5 “(3) ANNUAL REPORTS.—Not later than 30
6 days after receiving an annual report on any pro-
7 gram managed under alternative compensatory con-
8 trol measures, the Under Secretary of Defense for
9 Policy shall submit to the congressional defense com-
10 mittees a copy of the report.”.

11 **SEC. 1042. COMPARATIVE TESTING REPORTS FOR CERTAIN**
12 **AIRCRAFT.**

13 (a) MODIFICATION OF LIMITATION.—Section 134(b)
14 of the National Defense Authorization Act for Fiscal Year
15 2017 (Public Law 114–328; 130 Stat. 2037) is amended
16 by striking “the report under subsection (e)(2)” and in-
17 serting “a report that includes the information described
18 in subsection (e)(2)(C)”.

19 (b) COMPARATIVE TESTING REPORTS REQUIRED.—

20 (1) REPORT FROM DIRECTOR OF OPERATIONAL
21 TEST AND EVALUATION.—Not later than 45 days
22 after the date of the enactment of this Act, the Di-
23 rector of Operational Test and Evaluation shall sub-
24 mit to the congressional defense committees a report
25 that includes the information described in section

1 134(e)(1)(B) of the National Defense Authorization
2 Act for Fiscal Year 2017 (Public Law 114–328; 130
3 Stat. 2038).

4 (2) REPORT FROM SECRETARY OF THE AIR
5 FORCE.—Not later than 45 days after the date of
6 the submission of the report under paragraph (1),
7 the Secretary of the Air Force shall submit to the
8 congressional defense committees a report that in-
9 cludes the information described in section
10 134(e)(2)(C) of the National Defense Authorization
11 Act for Fiscal Year 2017 (Public Law 114–328; 130
12 Stat. 2038).

13 (3) ADDITIONAL REPORT FROM SECRETARY OF
14 THE AIR FORCE.—Not later than 45 days after the
15 date of the enactment of this Act, the Secretary of
16 the Air Force shall submit to the congressional de-
17 fense committees a report on the progress made to-
18 ward the A–10 re-wing contracts and the progress
19 made in re-winging those A–10 aircraft that have
20 not received new wings. The report shall address the
21 following:

22 (A) The status of contracts awarded, pro-
23 cured wing kits, and completed installations.

24 (B) A list of locations scheduled to receive
25 the procured re-wing kits.

1 (C) A spend plan for procurement funding
2 that was appropriated in fiscal year 2021 and
3 subsequent fiscal years for A-10 re-wing kits.

4 **SEC. 1043. EXTENSION OF REPORTING REQUIREMENT RE-**
5 **GARDING ENHANCEMENT OF INFORMATION**
6 **SHARING AND COORDINATION OF MILITARY**
7 **TRAINING BETWEEN DEPARTMENT OF HOME-**
8 **LAND SECURITY AND DEPARTMENT OF DE-**
9 **FENSE.**

10 Section 1014 of the National Defense Authorization
11 Act for Fiscal Year 2017 (Public Law 114-328) is amend-
12 ed by striking “December 31, 2022” and inserting “De-
13 cember 31, 2023”.

14 **SEC. 1044. CONTINUATION OF CERTAIN DEPARTMENT OF**
15 **DEFENSE REPORTING REQUIREMENTS.**

16 Section 1061 of the National Defense Authorization
17 Act for Fiscal Year 2017 (10 U.S.C. 111 note) is amend-
18 ed—

19 (1) in subsection (b)(2), by adding at the end
20 the following new subparagraphs:

21 “(E) The submission of the report required
22 under section 14 of the Strategic and Critical
23 Materials Stock Piling Act (50 U.S.C. 98h-5).

1 “(F) The submission of the report required
2 under section 2504 of title 10, United States
3 Code.”;

4 (2) in subsection (c), by striking paragraph
5 (47); and

6 (3) in subsection (i), by striking paragraph
7 (30).

8 **SEC. 1045. GEOGRAPHIC COMBATANT COMMAND RISK AS-**
9 **SESSMENT OF AIR FORCE AIRBORNE INTEL-**
10 **LIGENCE, SURVEILLANCE, AND RECONNAIS-**
11 **SANCE MODERNIZATION PLAN.**

12 (a) IN GENERAL.—Not later than March 31, 2022,
13 each commander of a geographic combatant command
14 shall submit to the congressional defense committees a re-
15 port containing an assessment of the level of operational
16 risk to that command posed by the plan of the Air Force
17 to modernize and restructure airborne intelligence, surveil-
18 lance, and reconnaissance capabilities to meet near-, mid-
19 , and far-term contingency and steady-state operational
20 requirements against adversaries in support of the objec-
21 tives of the 2018 national defense strategy.

22 (b) PLAN ASSESSED.—The plan of the Air Force re-
23 ferred to in subsection (a) is the plan required under sec-
24 tion 142 of the William M. (Mac) Thornberry National

1 Defense Authorization Act for Fiscal Year 2021 (Public
2 Law 116–283).

3 (c) ASSESSMENT OF RISK.—In assessing levels of
4 operational risk for purposes of subsection (a), a com-
5 mander shall use the military risk matrix of the Chairman
6 of the Joint Chiefs of Staff, as described in CJCS Instruc-
7 tion 3401.01E.

8 (d) GEOGRAPHIC COMBATANT COMMAND.—In this
9 section, the term “geographic combatant command”
10 means each of the following:

11 (1) United States European Command.

12 (2) United States Indo-Pacific Command.

13 (3) United States Africa Command.

14 (4) United States Southern Command.

15 (5) United States Northern Command.

16 (6) United States Central Command.

17 **SEC. 1046. BIENNIAL ASSESSMENTS OF AIR FORCE TEST**
18 **CENTER.**

19 Not later than 30 days after the date on which the
20 President’s budget is submitted to Congress under section
21 1105(a) of title 31, United States Code, for each of fiscal
22 years 2023, 2025, and 2027, the Secretary of the Air
23 Force shall submit to the congressional defense commit-
24 tees an assessment of the Air Force Test Center. Each

1 such assessment shall include, for the period covered by
2 the assessment, a description of—

- 3 (1) any challenges of the Air Force Test Center
4 with respect to completing its mission; and
5 (2) the plan of the Secretary to address such
6 challenges.

7 **SEC. 1047. COMPARATIVE STUDY ON .338 NORMA MAGNUM**
8 **PLATFORM.**

9 (a) **STUDY REQUIRED.**—Not later than one year
10 after the date of the enactment of this Act, the Secretary
11 of the Army shall complete a comparative study on the
12 .338 Norma Magnum platform.

13 (b) **ELEMENTS.**—The study required by subsection
14 (a) shall include a comparative analysis between the cur-
15 rent M2 .50 caliber, the M240 7.62, and the .338 Norma
16 Magnum, focused on the metrics of lethality, weight, cost,
17 and modernity of the platforms.

18 **SEC. 1048. COMPTROLLER GENERAL REPORT ON AGING DE-**
19 **PARTMENT OF DEFENSE EQUIPMENT.**

20 Not later than March 1, 2022, the Comptroller Gen-
21 eral of the United States shall submit to the Committees
22 on Armed Services of the Senate and House of Represent-
23 atives a report on legacy platforms within the Department
24 of Defense and the projected relevance and resiliency of

1 such platforms to emerging threats over the next 50 years.

2 Such report shall include—

3 (1) the results of a survey of all services, agen-
4 cies, and entities within the Department of Defense,
5 including hardware, weapons systems, basing, and
6 force structure;

7 (2) an emphasis on agility, technology, and an
8 expanded forward footprint; and

9 (3) recommendations with respect to future
10 force structure and investment.

11 **SEC. 1049. REPORT ON ACQUISITION, DELIVERY, AND USE**
12 **OF MOBILITY ASSETS THAT ENABLE IMPLE-**
13 **MENTATION OF EXPEDITIONARY ADVANCED**
14 **BASE OPERATIONS.**

15 (a) REPORT REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of Defense shall submit to the congressional defense com-
18 mittees a report that includes a detailed description of
19 each of the following:

20 (1) The doctrine, organization, training, mate-
21 riel, leadership and education, personnel, and facili-
22 ties required to operate and maintain a force of 24
23 to 35 Light Amphibious Warships, as well as the
24 feasibility of accelerating the current Light

1 Amphibious Warship procurement plan and delivery
2 schedule.

3 (2) The specific number, type, and mix of
4 manned and unmanned strategic mobility wing-in-
5 ground effect platforms required to support distrib-
6 uted maritime operations and expeditionary ad-
7 vanced base operations.

8 (3) The feasibility of the Navy and Marine Lit-
9 toral Regiments using other joint and interagency
10 mobility platforms prior to the operational avail-
11 ability of Light Amphibious Warships or wing-in-
12 ground effect platforms, including—

13 (A) United States Army Transportation
14 Command's more than 100 LCU-2000, Runny-
15 mede-class and the eight General Frank S.
16 Besson-class logistics support vessels;

17 (B) commercial vessel options, currently
18 available, that meet Marine Littoral Regiment
19 requirements for movement, maneuver,
20 sustainment, training, interoperability, and
21 cargo capacity and delivery;

22 (C) maritime prepositioning force vessels;

23 and

24 (D) Coast Guard vessels.

1 (4) The specific number, type, and mix of long
2 range unmanned surface vessel platforms required to
3 support distributed maritime operations, expedi-
4 tionary advanced base operations, along with their
5 operational interaction with the fleet's warfighting
6 capabilities;

7 (5) The feasibility of integrating Marine Lit-
8 toral Regiments with—

9 (A) Special Operations activities;

10 (B) joint and interagency planning;

11 (C) information warfare operations; and

12 (D) command, control, communications,
13 computer, intelligence, surveillance and recon-
14 naissance, and security cooperation activities.

15 (6) The projected cost, and any additional re-
16 sources required, to accelerate the operational de-
17 ployment of Marine Littoral Regiments and deliver
18 the capabilities described in paragraphs (1) through
19 (5) by not later than three years after the date of
20 the enactment of this Act.

21 (b) FORM OF REPORT.—The report required by sub-
22 section (a) shall be submitted in a publicly accessible, un-
23 classified form, but may contain a classified annex.

1 **SEC. 1050. FORCE POSTURE IN THE INDO-PACIFIC REGION.**

2 (a) SENSE OF CONGRESS.—It is the Sense of Con-
3 gress that—

4 (1) forward deployed military forces, particu-
5 larly those west of the International Date Line, play
6 an indispensable role in deterring aggression in the
7 Indo-Pacific and reassuring allies;

8 (2) forward deployed forces facilitate greater
9 day to day presence in contested seas and airspace;
10 and

11 (3) in light of growing threats, the Department
12 of Defense should forward deploy a larger share of
13 its forces to the Indo-Pacific over the next five
14 years.

15 (b) ASSESSMENT REQUIRED.—Not later than 180
16 days after the date of the enactment of this Act, the Com-
17 mander of United States Indo-Pacific Command shall sub-
18 mit to the congressional defense committees a report con-
19 taining the independent assessment of the Commander
20 with respect to each of the following:

21 (1) The number of bombers required to be con-
22 tinually present in the Indo-Pacific region, the num-
23 ber of bombers required outside Indo-Pacific region,
24 and the number of tankers necessary to support
25 bomber refueling sorties in order to execute the

1 operational and contingency plans assigned to the
2 Commander of Indo-Pacific Command.

3 (2) The operational, deterrent, and strategic ef-
4 fect if the required number of bombers were not
5 present in the Indo-Pacific region during a conflict
6 scenario.

7 (3) Any additional infrastructure required in
8 Guam or other Indo-Pacific locations to support the
9 operationally required level of continuous bomber
10 presence, along with the associated cost.

11 (4) The value of storing long range anti-ship
12 missiles, joint air-to-surface standoff missile-ex-
13 tended range, and other long range strike weapons
14 in Guam and other locations in the Indo-Pacific.

15 (c) REPORT REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, and annually
17 thereafter, the Commander of United States Indo-Pacific
18 Command shall submit to the congressional defense com-
19 mittees a report that includes the following information:

20 (1) The number of freedom of navigation oper-
21 ations conducted in the Indo-Pacific each year since
22 2013.

23 (2) The number of bombers continuously
24 present in the Indo-Pacific each year since 2013.

1 (3) The number of ships, bombers, fighters,
2 Marines, and brigade combat teams deployed to the
3 Indo-Pacific region during the eight-year period pre-
4 ceding the year in which the report is submitted.

5 (4) The number of ships, bombers, fighters,
6 Marines, and brigade combat teams deployed to the
7 Indo-Pacific region but tasked to other combatant
8 commands, including the number of days each such
9 tasking lasted, during the eight-year period pre-
10 ceding the year in which the report is submitted.

11 **SEC. 1051. ASSESSMENT OF UNITED STATES MILITARY IN-**
12 **FRASTRUCTURE IN DIEGO GARCIA, BRITISH**
13 **INDIAN OCEAN TERRITORY.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Secretary of Defense shall submit
16 to the congressional defense committees a report con-
17 taining the independent assessment of the Secretary with
18 respect to each of the following:

19 (1) The manner in which Diego Garcia, British
20 Indian Ocean Territory, could contribute to the exe-
21 cution of the operational and contingency plans of
22 the Department of Defense, as well as the peacetime
23 forward posture of the Department.

1 (2) The operational benefits of hardening facili-
2 ties on Diego Garcia, including the installation of an
3 Integrated Air and Missile Defense system.

4 (3) The operational benefits of storing muni-
5 tions on Diego Garcia.

6 (4) Potential tradeoffs and costs associated
7 with hardening facilities or prepositioning munitions
8 on Diego Garcia.

9 (5) Any additional infrastructure required in
10 Diego Garcia to better support the requirements of
11 the combatant commands.

12 (6) The potential to collaborate with the gov-
13 ernments of allies of the United States to invest in
14 the military infrastructure on Diego Garcia.

15 **SEC. 1052. REPORT ON 2019 WORLD MILITARY GAMES.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Defense
18 shall submit to the Committees on Armed Services of the
19 Senate and House of Representatives a report on the par-
20 ticipation of the United States in the 2019 World Military
21 Games. Such report shall include a detailed description of
22 each of the following:

23 (1) The number of United States athletes and
24 staff who attended the 2019 World Military Games
25 and became ill with COVID–19-like symptoms dur-

1 ing or shortly upon their return to the United
2 States.

3 (2) The results of any blood testing conducted
4 on athletes and staff returning from the 2019 World
5 Military Games, including whether those blood sam-
6 ples were subsequently tested for COVID–19.

7 (3) The number of home station Department of
8 Defense facilities of the athletes and staff who par-
9 ticipated in the 2019 World Military Games that ex-
10 perience outbreaks of illnesses consistent with
11 COVID–19 symptoms upon the return of members
12 of the Armed Forces from Wuhan, China.

13 (4) The number of Department of Defense fa-
14 cilities visited by team members after returning from
15 Wuhan, China, that experienced COVID–19 out-
16 breaks during the first quarter of 2020, including in
17 relation to the share of other Department of Defense
18 facilities that experienced COVID–19 outbreaks
19 through March 31, 2020.

20 (5) Whether the Department tested members of
21 the Armed Forces who traveled to Wuhan, China,
22 for the World Military Games for COVID–19 anti-
23 bodies, and what portion, if any, of those results
24 were positive, and when such testing was conducted.

1 (6) Whether there are, or have been, any inves-
2 tigations, including under the auspices of an Inspec-
3 tor General, across the Department of Defense or
4 the military departments into possible connections
5 between United States athletes who traveled to
6 Wuhan, China, and the outbreak of COVID–19.

7 (7) Whether the Department has engaged with
8 the militaries of allied or partner countries about ill-
9 nesses surrounding the 2019 World Military Games,
10 and if so, how many participating militaries have in-
11 dicated to the Department that their athletes or
12 staff may have contracted COVID–19-like symptoms
13 during or immediately after the Games.

14 (b) **FORM OF REPORT.**—The report required under
15 this section shall submitted in unclassified form and made
16 publicly available on an internet website in a searchable
17 format, but may contain a classified annex.

18 **SEC. 1053. REPORTS AND BRIEFINGS REGARDING OVER-**
19 **SIGHT OF AFGHANISTAN.**

20 (a) **REPORTS.**—Not later than December 31, 2021,
21 and annually thereafter until December 31, 2026, the Sec-
22 retary of Defense, in coordination with the Director of Na-
23 tional Intelligence, shall submit to the appropriate con-
24 gressional committees a report on Afghanistan. Such re-

1 port shall address, with respect to Afghanistan, the fol-
2 lowing matters:

3 (1) A current assessment of over the horizon
4 capabilities of the United States.

5 (2) Concept of force with respect to the over
6 the horizon force of the United States.

7 (3) The size of such over the horizon force.

8 (4) The location of such over the horizon force,
9 to include the current locations of the forces and any
10 plans to adjust such locations.

11 (5) The chain of command for such over the ho-
12 rizon force.

13 (6) The launch criteria for such over the hori-
14 zon force.

15 (7) Any plans to expand or adjust such over the
16 horizon force capabilities in the future, to account
17 for evolving terrorist threats in Afghanistan.

18 (8) An assessment of the terrorist threat in Af-
19 ghanistan.

20 (9) An assessment of the quantity and types of
21 U.S. military equipment remaining in Afghanistan,
22 including an indication of whether the Secretary
23 plans to leave, recover, or destroy such equipment.

1 (10) Contingency plans for the retrieval or hos-
2 tage rescue of United States citizens located in Af-
3 ghanistan.

4 (11) Contingency plans related to the continued
5 evacuation of Afghans who hold special immigrant
6 visa status under section 602 of the Afghan Allies
7 Protection Act of 2009 (8 U.S.C. 1101 note) or who
8 have filed a petition for such status, following the
9 withdraw of the United States Armed Forces from
10 Afghanistan.

11 (12) A concept of logistics support to support
12 the over the horizon force of the United States, in-
13 cluding all basing and transportation plans.

14 (13) An assessment of changes in the ability of
15 al-Qaeda and ISIS-K to conduct operations outside
16 of Afghanistan against the United States and U.S.
17 allies.

18 (14) An intelligence collection posture of over
19 the horizon intelligence assets, including with respect
20 to ground and air assets, and the effect of such as-
21 sets on current operations.

22 (15) An intelligence collection posture on the
23 Taliban defense and security forces.

1 (16) An intelligence collection posture on the
2 terrorism capabilities of the Taliban, al-Qaeda, and
3 ISIS-K.

4 (17) The status of any military cooperation be-
5 tween the Taliban and China, Russia, or Iran.

6 (18) Any other matters the Secretary deter-
7 mines appropriate.

8 (b) BRIEFINGS.—Not later than December 31, 2021,
9 and on bi-annual basis thereafter until December 31,
10 2026, the Secretary of Defense shall provide to the appro-
11 priate congressional committees a briefing on the matters
12 specified in subsection (a).

13 (c) FORM.—The reports and briefings under this sec-
14 tion may be submitted in either unclassified or classified
15 form, as determined appropriate by the Secretary.

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
17 DEFINED.—In this section, the term “appropriate con-
18 gressional committees” means—

19 (1) the Committee on Armed Services and the
20 Permanent Select Committee on Intelligence of the
21 House of Representatives; and

22 (2) the Committee on Armed Services and the
23 Select Committee on Intelligence of the Senate.

1 **SEC. 1054. REPORT AND BRIEFING ON UNITED STATES**
2 **EQUIPMENT, PROPERTY, AND CLASSIFIED**
3 **MATERIAL THAT WAS DESTROYED, SURREN-**
4 **DERED, AND ABANDONED IN THE WITH-**
5 **DRAWAL FROM AFGHANISTAN.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of De-
8 fense, in consultation with the Secretaries of the military
9 departments and the Commander of United States Central
10 Command, shall submit to the congressional defense com-
11 mittees a report regarding the covered United States
12 equipment, property, classified material, and money in
13 cash that was destroyed, surrendered, or abandoned in Af-
14 ghanistan during the covered period. Such report shall in-
15 clude each of the following:

16 (1) A determination of the value of the covered
17 United States equipment, property, and classified
18 material that was destroyed, surrendered, or aban-
19 doned, disaggregated by military department and
20 itemized to the most specific feasible level.

21 (2) An itemized list of destroyed, surrendered,
22 or abandoned aircraft, aircraft parts and supply,
23 and aircraft maintenance items, including aircraft,
24 aircraft parts and supply, and aircraft maintenance
25 items formerly possessed by the Afghan Air Force or
26 the former government of Afghanistan.

1 (3) An itemized list of destroyed, surrendered,
2 or abandoned fuel and fuel dispensing equipment,
3 disaggregated by military department.

4 (4) An itemized list of destroyed, surrendered,
5 or abandoned weapons, weapon systems, components
6 of weapons or weapon systems, ammunition, explo-
7 sives, missiles, ordnance, bombs, mines, or projec-
8 tiles, disaggregated by military department.

9 (5) For each item on a list referred to in para-
10 graphs (2) through (4), an explanation of the legal
11 authority relied upon to destroy, surrender, or aban-
12 don that specific item.

13 (6) An evaluation of the capabilities of the
14 Taliban post-withdrawal as a result of their seizure
15 of surrendered or abandoned covered United States
16 equipment, property, and classified material, includ-
17 ing an evaluation of the capabilities of the Taliban
18 post-withdrawal to monetize through the transfer of
19 abandoned covered United States equipment, prop-
20 erty, and classified material to adversaries of the
21 United States.

22 (7) An assessment of the damage to the na-
23 tional security interests of the United States as a re-
24 sult of the destroyed, surrendered, or abandoned

1 covered United States equipment, property, and
2 classified material.

3 (8) An assessment of the feasibility of disabling,
4 destroying, or recapturing surrendered or abandoned
5 covered United States equipment, property, or clas-
6 sified material.

7 (9) Available imagery or photography depicting
8 the Taliban possessing surrendered or abandoned
9 covered United States equipment, property, or clas-
10 sified material.

11 (b) EXECUTIVE SUMMARY OF REPORT.—The report
12 required under subsection (a) shall include an executive
13 summary of the report, which shall be unclassified and
14 made publicly available.

15 (c) BRIEFING.—Not later than 200 days after the
16 date of the enactment of this Act, the Secretary of De-
17 fense, the Secretaries of the military departments, and the
18 Commander of United States Central Command shall pro-
19 vide to the congressional defense committees a briefing on
20 the report required by this section.

21 (d) DEFINITIONS.—In this section:

22 (1) The term “covered United States equip-
23 ment, property, and classified material” means any
24 of the following items formerly owned by the Gov-
25 ernment of the United States or provided by the

1 United States to the former government or military
2 of Afghanistan during the covered period:

3 (A) Real property, including any lands,
4 buildings, structures, utilities systems, improve-
5 ments, and appurtenances, thereto, including
6 equipment attached to and made part of build-
7 ings and structures, but not movable equip-
8 ment.

9 (B) Personal property, including property
10 of any kind or any interest therein, except real
11 property.

12 (C) Equipment, including all nonexpend-
13 able items needed to outfit or equip an indi-
14 vidual or organization.

15 (D) Classified information, in any form, in-
16 cluding official information that has been deter-
17 mined to require, in the interests of national se-
18 curity, protection against unauthorized disclo-
19 sure and which has been so designated.

20 (2) The term “covered period” means the pe-
21 riod beginning on February 29, 2020, and ending on
22 the date that is 120 days after the date of the enact-
23 ment of this Act.

1 **SEC. 1055. REPORT ON DEFENSE UTILITY OF UNITED**
2 **STATES TERRITORIES AND POSSESSIONS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit a to the congressional defense committees a
6 report that includes—

7 (1) a detailed description of the manner in
8 which United States territories and possessions in
9 the Pacific could contribute to the execution of the
10 operational and contingency plans of the Depart-
11 ment of Defense, as well as the peacetime forward
12 posture of the Department;

13 (2) an assessment of the required resources as-
14 sociated with environmental restoration and military
15 construction on United States territories and posses-
16 sions in the Pacific in order to facilitate the presence
17 of United States military forces;

18 (3) a description of the additional logistical re-
19 quirements or considerations associated with the re-
20 quirements of paragraph (2); and

21 (4) any other matters the Secretary of Defense,
22 in coordination with the Commander of the United
23 States Indo-Pacific Command, considers appro-
24 priate.

1 (b) FORM.—The report described in subsection (a)
2 shall be submitted in unclassified form that can be made
3 available to the public, but may include a classified annex.

4 **SEC. 1056. REPORT ON COAST GUARD EXPLOSIVE ORD-**
5 **NANCE DISPOSAL.**

6 (a) IN GENERAL.—Not later than February 15,
7 2023, the Secretary of Homeland Security shall submit
8 to Congress a report on the viability of establishing an
9 explosive ordnance disposal program in the Coast Guard.

10 (b) CONTENTS.—The report required under sub-
11 section (a) shall contain, at a minimum, the following:

12 (1) Organization of explosive ordnance disposal
13 elements within the Coast Guard, with discussion on
14 whether the Coast Guard explosive ordnance disposal
15 capability belongs in the Maritime Safety and Secu-
16 rity Teams, the Maritime Security Response Team,
17 a combination of the Maritime Safety and Security
18 Teams and the Maritime Security Response Teams,
19 or elsewhere in the Coast Guard.

20 (2) A description of vehicles, that are Coast
21 Guard airframe and vessel transportable, required
22 for explosive ordnance disposal elements.

23 (3) A description of dive craft, that are Coast
24 Guard airframe and vessel transportable, required
25 for explosive ordnance disposal elements.

1 (4) Locations of Coast Guard stations that
2 portable explosives storage magazines will be avail-
3 able for explosive ordnance disposal elements.

4 (5) Identify Coast Guard stations that will have
5 pre-positioned explosive ordnance disposal elements
6 equipment.

7 (6) An explanation of how the Coast Guard ex-
8 plosive ordnance disposal elements will support the
9 Department of Homeland Security and Department
10 of Justice, and the Department of Defense in war-
11 time, on mission sets to counter improvised explosive
12 device, counter unexploded ordnance, and combat
13 weapons of destruction, including award of the Pres-
14 idential Service Badge and Certificate to explosive
15 ordnance disposal-qualified Coast Guardsman for
16 protection of the President of the United States, and
17 how the Coast Guard explosive ordnance disposal
18 elements will support national security special
19 events.

20 (7) A cost to benefit analysis of using the
21 Army, Marine Corps, Navy, or Air Force Scuba
22 Diver course prior to Coast Guardsman attending
23 the Navy conducted explosive ordnance disposal
24 course, and the required initial and annual
25 sustainment training seats for the diver course, the

1 explosive ordnance disposal course, and the para-
2 chutist course (through the Army, Marine, Navy,
3 and Air Force).

4 (8) An identification of the career progression
5 of Coast Guardsman from Seaman Recruit to that
6 of Command Master Chief Petty Officer, Chief War-
7 rant Officer 2 to that of Chief Warrant Officer 4,
8 and Ensign to that of Rear Admiral.

9 (9) An identification of initial and annual budg-
10 et justification estimates on a single program ele-
11 ment of the Coast Guard explosive ordnance disposal
12 program for each of—

13 (A) civilian and military pay with details
14 on military pay, including special and incentive
15 pays such as—

- 16 (i) officer responsibility pay;
17 (ii) officer SCUBA diving duty pay;
18 (iii) officer demolition hazardous duty
19 pay;
20 (iv) enlisted SCUBA diving duty pay;
21 (v) enlisted demolition hazardous duty
22 pay;
23 (vi) enlisted special duty assignment
24 pay at level special duty-5;

- 1 (vii) enlisted assignment incentive
2 pays;
- 3 (viii) enlistment and reenlistment bo-
4 nuses;
- 5 (ix) officer and enlisted full civilian
6 clothing allowances;
- 7 (x) exception to policy allowing a third
8 hazardous duty pay for explosive ordnance
9 disposal-qualified officers and enlisted; and
- 10 (xi) parachutist hazardous duty pay;
- 11 (B) research, development, test, and eval-
12 uation;
- 13 (C) procurement;
- 14 (D) other transaction agreements;
- 15 (E) operations and maintenance;
- 16 (F) military construction; and
- 17 (G) overseas contingency operations.

18 **SEC. 1057. INDEPENDENT ASSESSMENT WITH RESPECT TO**
19 **THE ARCTIC REGION.**

20 (a) IN GENERAL.—Not later than February 15,
21 2022, the Commander of the United States Northern
22 Command, in consultation and coordination with United
23 States European Command and United States Indo-Pa-
24 cific Command, the military services, and defense agen-
25 cies, shall conduct an independent assessment with respect

1 to the activities and resources required, for fiscal years
2 2023 through 2027, to achieve the following objectives:

3 (1) The implementation of the National De-
4 fense Strategy and military service-specific strategies
5 with respect to the Arctic region.

6 (2) The maintenance or restoration of the com-
7 parative military advantage of the United States in
8 response to great power competitors in the Arctic re-
9 gion.

10 (3) The reduction of the risk of executing oper-
11 ation and contingency plans of the Department of
12 Defense.

13 (4) To maximize execution of Department oper-
14 ation and contingency plans, in the event deterrence
15 fails.

16 (b) ELEMENTS.—The assessment required by para-
17 graph (1) shall include the following:

18 (1) An analysis of, and recommended changes
19 to achieve, the required force structure and posture
20 of assigned and allocated forces within the Arctic re-
21 gion for fiscal year 2027 necessary to achieve the
22 objectives described in paragraph (1), which shall be
23 informed by—

24 (A) a review of United States military re-
25 quirements based on operation and contingency

1 plans, capabilities of potential adversaries, as-
2 sessed gaps or shortfalls of the joint force with-
3 in the Arctic region, and scenarios that con-
4 sider—

5 (i) potential contingencies that com-
6 mence in the Arctic region and contin-
7 gencies that commence in other regions but
8 affect the Arctic region;

9 (ii) use of near-, mid-, and far-time
10 horizons to encompass the range of cir-
11 cumstances required to test new concepts
12 and doctrine; and

13 (iii) supporting analyses that focus on
14 the number of regionally postured military
15 units and the quality of capability of such
16 units;

17 (B) a review of current United States mili-
18 tary force posture and deployment plans within
19 the Arctic region, especially of Arctic-based
20 forces that provide support to, or receive sup-
21 port from, the United States Northern Com-
22 mand, the United States Indo-Pacific Com-
23 mand, or the United States European Com-
24 mand;

1 (C) an analysis of potential future realign-
2 ments of United States forces in the region, in-
3 cluding options for strengthening United States
4 presence, access, readiness, training, exercises,
5 logistics, and pre-positioning; and

6 (D) any other matter the Commander de-
7 termines to be appropriate.

8 (2) A discussion of any factor that may influ-
9 ence the United States posture, supported by annual
10 wargames and other forms of research and analysis.

11 (3) An assessment of capabilities requirements
12 to achieve such objectives.

13 (4) An assessment of logistics requirements, in-
14 cluding personnel, equipment, supplies, storage, and
15 maintenance needs to achieve such objectives.

16 (5) An assessment and identification of re-
17 quired infrastructure and military construction in-
18 vestments to achieve such objectives.

19 (6) An assessment and recommended changes
20 to the leadership, organization, and management of
21 Arctic policy, strategy, and operations among the
22 combatant commands and military services.

23 (c) REPORT.—

24 (1) IN GENERAL.—Not later than February 15,
25 2022, the Commander of the United States North-

1 ern Command, in consultation and coordination with
2 United States European Command and United
3 States Indo-Pacific Command, shall submit to the
4 congressional defense committees a report on the as-
5 sessment required by paragraph (1).

6 (2) FORM.—The report required by subpara-
7 graph (A) may be submitted in classified form, but
8 shall include an unclassified summary.

9 (3) AVAILABILITY.—Not later than February
10 15, 2022, the Commander of United States North-
11 ern Command shall make the report available to the
12 Secretary of Defense, the Under Secretary of De-
13 fense for Policy, the Under Secretary of Defense
14 (Comptroller), the Director of Cost Assessment and
15 Program Evaluation, the Chairman of the Joint
16 Chiefs of Staff, the Secretaries of the military de-
17 partments, and the chiefs of staff of each military
18 service.

19 **SEC. 1058. ANNUAL REPORT AND BRIEFING ON GLOBAL**
20 **FORCE MANAGEMENT ALLOCATION PLAN.**

21 (a) IN GENERAL.—Not later than October 31, 2022,
22 and annually thereafter through 2024, the Secretary of
23 Defense shall provide to the Committees on Armed Serv-
24 ices of the Senate and House of Representatives a classi-

1 fied report and a classified briefing on the Global Force
2 Management Allocation Plan and its implementation.

3 (b) REPORT.—Each report required by subsection (a)
4 shall include a summary describing the Global Force Man-
5 agement Allocation Plan being implemented as of October
6 1 of the year in which the report is provided.

7 (c) BRIEFING.—Each briefing required by subsection
8 (a) shall include the following:

9 (1) A summary of the major modifications to
10 global force allocation made during the preceding
11 fiscal year that deviated from the Global Force Man-
12 agement Allocation Plan for that fiscal year as a re-
13 sult of a shift in strategic priorities, requests for
14 forces, or other contingencies, and an explanation
15 for such modifications.

16 (2) A description of the major differences be-
17 tween the Global Force Management Allocation Plan
18 for the current fiscal year and the Global Force
19 Management Allocation Plan for the preceding fiscal
20 year.

21 (3) A description of any difference between the
22 actual global allocation of forces, as of October 1 of
23 the year in which the briefing is provided, and the
24 forces stipulated in the Global Force Management
25 Allocation Plan being implemented on that date.

1 **SEC. 1059. REPORT ON WORLD WAR I AND KOREAN WAR**
2 **ERA SUPERFUND FACILITIES.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit to Congress a report on active Superfund fa-
6 cilities where a hazardous substance originated from De-
7 partment of Defense activities occurring between the be-
8 ginning of World War I and the end of the Korean War.
9 Such report shall include a description of such Superfund
10 facilities as well as any actions, planned actions, commu-
11 nication with communities, and cooperation with relevant
12 agencies, including the Environmental Protection Agency,
13 carried out or planned to be carried out by the Depart-
14 ment of Defense.

15 (b) SUPERFUND FACILITY.—In this section, the term
16 “Superfund facility” means a facility included on the Na-
17 tional Priorities List pursuant to section 105 of the Com-
18 prehensive Environmental Response, Compensation, and
19 Liability Act of 1980 (42 U.S.C. 9605).

20 **SEC. 1060. BRIEFING ON ELECTRIC AUTONOMOUS SHUT-**
21 **TLES ON MILITARY INSTALLATIONS.**

22 (a) BRIEFING REQUIRED.—Not later than March 1,
23 2022, the Secretary of Defense, in coordination with the
24 Secretaries of the military departments, shall provide to
25 the Committees on Armed Services of the Senate and the
26 House of Representatives a briefing on the current and

1 future plans of the Department of Defense for fielding
2 electric autonomous shuttles on military installations for
3 the purpose of transporting personnel and equipment in
4 a safe, cost-efficient, and sustainable manner.

5 (b) ELEMENTS.—The briefing under subsection (a)
6 shall include analysis of the following:

7 (1) The effectiveness of current or past dem-
8 onstration projects of electric autonomous shuttles
9 on military installations.

10 (2) The impact that reliable, energy-efficient
11 shuttles could have on quality of life, base operating
12 costs, and traffic patterns.

13 (3) How best to leverage existing commercially
14 available shuttles to satisfy this function.

15 (4) How and where the Department would best
16 employ the shuttles to maximize fixed route or on-
17 demand autonomous shuttle service for military in-
18 stallations serving the “first and last mile” transpor-
19 tation needs of personnel and logistical missions.

20 (5) What type of data could be gathered from
21 the shuttles to assist in the expansion of electric au-
22 tonomous vehicle use in other military contexts.

1 **SEC. 1061. UPDATED REVIEW AND ENHANCEMENT OF EX-**
2 **ISTING AUTHORITIES FOR USING AIR FORCE**
3 **AND AIR NATIONAL GUARD MODULAR AIR-**
4 **BORNE FIRE-FIGHTING SYSTEMS AND OTHER**
5 **DEPARTMENT OF DEFENSE ASSETS TO FIGHT**
6 **WILDFIRES.**

7 Section 1058 of the National Defense Authorization
8 Act for Fiscal Year 2004 (Public Law 108–136; 31 U.S.C.
9 1535 note) is amended by adding at the end the following
10 new subsection:

11 “(g) **UPDATED REVIEW AND ENHANCEMENT.**—(1)
12 Not later than 120 days after the date of the enactment
13 of the National Defense Authorization Act for Fiscal Year
14 2022, the Director shall submit to Congress a report—

15 “(A) containing the results of a second review
16 conducted under subsection (a) and a second deter-
17 mination made under subsection (b); and

18 “(B) based on such second determination, de-
19 scribing the new modifications proposed to be made
20 to existing authorities under subsection (c) or (d),
21 including whether there is a need for legislative
22 changes to further improve the procedures for using
23 Department of Defense assets to fight wildfires.

24 “(2) The new modifications described in paragraph
25 (1)(B) shall not take effect until the end of the 30-day

1 period beginning on the date on which the report is sub-
2 mitted to Congress under this subsection.”.

3 **SEC. 1062. ANNUAL REPORT ON USE OF SOCIAL MEDIA BY**
4 **FOREIGN TERRORIST ORGANIZATIONS.**

5 (a) ANNUAL REPORT.—The Director of National In-
6 telligence, in coordination with the Secretary of State and
7 the Secretary of Defense, shall submit to the appropriate
8 congressional committees an annual report on—

9 (1) the use of online social media platforms by
10 entities designated as foreign terrorist organizations
11 by the Department of State for recruitment, fund-
12 raising, and the dissemination of information; and

13 (2) the threat posed to the national security of
14 the United States by the online radicalization of ter-
15 rorists and violent extremists.

16 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
17 In this section, the appropriate congressional committees
18 are—

19 (1) the Committee on Armed Services, the
20 Committee on Foreign Affairs, and the Permanent
21 Select Committee on Intelligence of the House of
22 Representatives; and

23 (2) the Committee on Armed Services, the
24 Committee on Foreign Relations, and the Select
25 Committee on Intelligence of the Senate.

1 **SEC. 1063. REPORT ON DEPARTMENT OF DEFENSE EXCESS**
2 **PERSONAL PROPERTY PROGRAM.**

3 Not later than one year after the date of the enact-
4 ment of this Act, the Director of the Defense Logistics
5 Agency shall submit to the congressional defense commit-
6 tees a report on the results of a study conducted by the
7 Director on the excess personal property program under
8 section 2576a of title 10, United States Code, and the ad-
9 ministration of such program by the Law Enforcement
10 Support Office. Such study shall include—

11 (1) an analysis of the degree to which personal
12 property transferred under such program has been
13 distributed equitably between larger, well-resourced
14 municipalities and units of government and smaller,
15 less well-resourced municipalities and units of gov-
16 ernment; and

17 (2) an identification of potential reforms to
18 such program to ensure that such property is trans-
19 ferred in a manner that provides adequate oppor-
20 tunity for participation by smaller, less well-
21 resourced municipalities and units of government.

1 **SEC. 1064. INTERAGENCY STRATEGY TO DISRUPT AND DIS-**
2 **MANTLE NARCOTICS PRODUCTION AND**
3 **TRAFFICKING AND AFFILIATED NETWORKS**
4 **LINKED TO THE REGIME OF BASHAR AL-**
5 **ASSAD IN SYRIA.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the captagon trade linked to the regime of
9 Bashar al-Assad in Syria is a transnational security
10 threat; and

11 (2) the United States should develop and imple-
12 ment an interagency strategy to deny, degrade, and
13 dismantle Assad-linked narcotics production and
14 trafficking networks.

15 (b) REPORT AND STRATEGY REQUIRED.—Not later
16 than 180 days after the date of the enactment of this Act,
17 the Secretary of Defense, the Secretary of State, the Sec-
18 retary of the Treasury, the Administrator of the Drug En-
19 forcement Administration, the Director of National Intel-
20 ligence, and the heads of other appropriate Federal agen-
21 cies shall jointly submit to the appropriate congressional
22 committees a report containing a strategy to disrupt and
23 dismantle narcotics production and trafficking and affili-
24 ated networks linked to the regime of Bashar al-Assad in
25 Syria. Such strategy shall include each of the following:

1 (1) A strategy to target, disrupt and degrade
2 networks that directly and indirectly support the
3 narcotics infrastructure of the Assad regime, par-
4 ticularly through diplomatic and intelligence support
5 to law enforcement investigations.

6 (2) The use of sanctions authorities and associ-
7 ated actions to target individuals and entities di-
8 rectly or indirectly associated with the narcotics in-
9 frastructure of the Assad regime.

10 (3) The use global diplomatic engagements as-
11 sociated with the economic pressure campaign
12 against the Assad regime to target its narcotics in-
13 frastructure.

14 (4) Leveraging multilateral institutions and co-
15 operation with international partners to disrupt the
16 narcotics infrastructure of the Assad regime.

17 (5) Mobilizing a public communications cam-
18 paign to increase awareness of the extent of the con-
19 nection of the Assad regime to illicit narcotics trade.

20 (c) FORM OF REPORT.—The report required under
21 subsection (b) shall be submitted in an unclassified form,
22 but may contain a classified annex.

23 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
24 In this section, the term “appropriate congressional com-
25 mittees” means—

1 (1) the congressional defense committees;

2 (2) the Committee on the Judiciary, the Com-
3 mittee on Foreign Affairs, the Committee on Finan-
4 cial Services, and the Committee on Appropriations
5 of the House of Representatives; and

6 (3) the Committee on the Judiciary, the Com-
7 mittee on Foreign Relations, the Committee on
8 Banking, Housing, and Urban Affairs, and the Com-
9 mittee on Appropriations of the Senate.

10 **SEC. 1065. REPORT ON RECOVERY OPERATIONS OF 1952 C-**

11 **119 FLYING BOXCAR, CALL NAME "GAMBLE**
12 **CHALK 1".**

13 Not later than 90 days after the date of the enact-
14 ment of this Act, the Secretary of the Air Force shall sub-
15 mit to Congress a report that includes—

16 (1) a status update on the recovery operations
17 of the 1952 C-119 Flying boxcar, call name "Gam-
18 ble Chalk 1", crash at Mount Silverthrone, Alaska;

19 (2) detailed plans for the recovery operation,
20 the timeline for such operation, a description of any
21 past recovery operations, and the rationale for any
22 canceled or delayed operations; and

23 (3) a summary of other Air Force operational
24 losses that occurred in Alaska in 1952 and have yet
25 to be recovered.

1 **SEC. 1065A. COST ANALYSIS REPORT ON CHANGES TO MILI-**
2 **TARY PRIORITIES.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Secretary of Defense shall submit to the
5 Committee on Armed Services and the Committee on For-
6 eign Affairs of the House of Representatives and the Com-
7 mittee on Armed Services and the Committee on Foreign
8 Relations of the Senate a report on—

9 (1) the estimated cost savings as a result of a
10 full drawdown of United States personnel and con-
11 tractors from Afghanistan, Iraq, and Syria com-
12 pared with actual costs for such personnel and con-
13 tractors in fiscal year 2021; and

14 (2) the estimated cost of redirecting United
15 States personnel and materials, including increased
16 budget authority for ships, aircraft, nuclear weap-
17 ons, major personnel, and operational costs, to effec-
18 tively engage in great power competition with Russia
19 and China to effectively curb and deter Russia and
20 China militarily in their respective regions.

21 **SEC. 1065B. REPORT ON TALIBAN'S ILLEGAL DRUG TRADE.**

22 Not later than one year after the date of the enact-
23 ment of this Act, the Secretary of Defense, in coordination
24 with the Secretary of State and Secretary of Homeland
25 Security, shall submit to Congress a report that in-
26 cludes—

1 (1) a plan to combat the Taliban’s illegal drug
2 trade;

3 (2) a description of the risk to the United
4 States of drugs emanating from such drug trade, in-
5 cluding risks posed by the profits of such drugs; and

6 (3) a description of any actions taken to inter-
7 dict and prevent such drugs from reaching the
8 United States.

9 **SEC. 1065C. REPORT ON USE OF CERTAIN FUNDING FOR**
10 **COUNTER-NARCOTICS MISSIONS IN CENTRAL**
11 **ASIA.**

12 Not later than March 1, 2022, the Secretary of De-
13 fense shall submit to the Committees on Armed Services
14 of the Senate and the House of Representatives a report
15 on the use of funding made available pursuant to section
16 333 of title 10, United States Code, for counter-narcotics
17 missions in Central Asia. The report shall include—

18 (1) the amount of funding made available pur-
19 suant to section 333 of title 10, United States Code,
20 that has been used for counter-narcotics missions in
21 Central Asia, specifically to counter illicit trafficking
22 operations emanating from Afghanistan and Central
23 Asia, during the five-year period preceding the date
24 of the enactment of this Act;

1 (2) the amount of funding made available pur-
2 suant to other sources, including section 284 of title
3 10, United States Code, that has been used to
4 counter illicit trafficking operations emanating from
5 Afghanistan and Central Asia during the five-year
6 period preceding the date of the enactment of this
7 Act; and

8 (3) an assessment of whether funding made
9 available pursuant to section 333 of title 10, United
10 States Code, can be used to maintain, repair, and
11 upgrade equipment previously supplied by the
12 United States to foreign law enforcement agencies
13 for counter-narcotics purposes on borders and at
14 international ports.

15 **SEC. 1065D. REPORT ON STATUS OF CERTAIN AIRCRAFT**
16 **AND EQUIPMENT MOVED FROM AFGHANI-**
17 **STAN TO UZBEKISTAN, TAJIKISTAN, OR**
18 **OTHER FOREIGN COUNTRIES.**

19 (a) REPORT.—Not later than 30 days after the date
20 of the enactment of this Act, the Secretary of Defense,
21 in coordination with the Secretary of State, shall submit
22 to the appropriate congressional committees a report con-
23 taining a full account of any aircraft or equipment of the
24 United States Armed Forces or the Afghan National De-
25 fense and Security Forces that has been transported from

1 Afghanistan to foreign countries outside of Afghanistan,
2 including Uzbekistan and Tajikistan, following the with-
3 drawal of the United States Armed Forces from Afghani-
4 stan on August 31, 2021. Such report should include a
5 description of the following:

6 (1) The quantity and types of any such aircraft
7 or equipment.

8 (2) The condition of any such aircraft or equip-
9 ment.

10 (3) All efforts to secure such aircraft or equip-
11 ment during any periods in which the aircraft or
12 equipment was out of the custody of the United
13 States Armed Forces or the Afghan National De-
14 fense and Security Forces.

15 (4) All efforts to recover, secure, and return to
16 the United States (as applicable) any such aircraft
17 or equipment.

18 (5) The identity of any entity that has had ac-
19 cess to such aircraft or equipment during or fol-
20 lowing the transport from Afghanistan.

21 (6) Any security risks posed by the improper
22 securing of such aircraft or equipment.

23 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
24 DEFINED.—In this section, the term “appropriate con-
25 gressional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives; and

4 (2) the Committee on Armed Services and the
5 Committee on Foreign Relations of the Senate.

6 **SEC. 1065E. STUDY AND REPORT ON RISKS POSED TO DE-**
7 **PARTMENT OF DEFENSE INFRASTRUCTURE**
8 **AND READINESS BY WILDFIRE.**

9 (a) **STUDY.**—The Secretary of Defense, in coordina-
10 tion with the Secretary of the Interior, the Secretary of
11 Agriculture, and the Chief of the United States Forest
12 Service, shall conduct a study of the risks posed to De-
13 partment of Defense infrastructure and readiness by wild-
14 fire, including interrupted training schedules, deployment
15 of personnel and assets for fire suppression, damage to
16 training areas, and environmental hazards such as unsafe
17 air quality.

18 (b) **REPORT.**—Not later than one year after the date
19 of the enactment of this Act, the Secretary of Defense,
20 in coordination with the Secretary of the Interior, the Sec-
21 retary of Agriculture, and the Chief of the United States
22 Forest Service, shall submit to Congress a report on the
23 findings of the study conducted under subsection (a).

1 **SEC. 1065F. PUBLIC AVAILABILITY OF QUARTERLY SUM-**
2 **MARIES OF REPORTS.**

3 (a) IN GENERAL.—Section 122a of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new subsection:

6 “(c) QUARTERLY SUMMARIES.—For each calendar
7 quarter, the Secretary of Defense shall make publicly
8 available on an appropriate internet website a summary
9 of all reports submitted to Congress by the Department
10 of Defense for that quarter that are required to be sub-
11 mitted by statute. Each such summary shall include, for
12 each report covered by the summary, the title of report,
13 the date of delivery, and the section of law under which
14 such report is required.”.

15 (b) APPLICABILITY.—Subsection (c) of section 122a
16 of title 10, United States Code, as added by subsection
17 (a), shall apply with respect to a calendar quarter that
18 begins after the date that is 180 days after the date of
19 the enactment of this Act.

20 **SEC. 1065G. REPORT ON FUNDS AUTHORIZED TO BE AP-**
21 **PROPRIATED FOR OVERSEAS CONTINGENCY**
22 **OPERATIONS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary of Defense
25 shall submit to Congress a report on the obligation and
26 expenditure of funds that were authorized to be appro-

1 priated for overseas contingency operations for fiscal year
2 2010 and fiscal year 2019.

3 (b) FORM.—The report required under subsection (a)
4 shall be submitted in unclassified form, but may include
5 a classified annex.

6 **SEC. 1065H. AIR FORCE STRATEGY FOR ACQUISITION OF**
7 **COMBAT RESCUE AIRCRAFT AND EQUIP-**
8 **MENT.**

9 The Secretary of the Air Force shall submit to the
10 congressional defense committees a strategy for the De-
11 partment of Air Force for the acquisition of combat rescue
12 aircraft and equipment that aligns with the stated capa-
13 bility and capacity requirements of the Air Force to meet
14 the national defense strategy (required under section
15 113(g) of title 10, United States Code) and Arctic Strat-
16 egy of the Department of the Air Force.

17 **Subtitle F—District of Columbia**
18 **National Guard Home Rule**

19 **SEC. 1066. SHORT TITLE.**

20 This subtitle may be cited as the “District of Colum-
21 bia National Guard Home Rule Act”.

22 **SEC. 1067. EXTENSION OF NATIONAL GUARD AUTHORITIES**
23 **TO MAYOR OF THE DISTRICT OF COLUMBIA.**

24 (a) MAYOR AS COMMANDER-IN-CHIEF.—Section 6 of
25 the Act entitled “An Act to provide for the organization

1 of the militia of the District of Columbia, and for other
2 purposes”, approved March 1, 1889 (sec. 49–409, D.C.
3 Official Code), is amended by striking “President of the
4 United States” and inserting “Mayor of the District of
5 Columbia”.

6 (b) RESERVE CORPS.—Section 72 of such Act (sec.
7 49–407, D.C. Official Code) is amended by striking
8 “President of the United States” each place it appears
9 and inserting “Mayor of the District of Columbia”.

10 (c) APPOINTMENT OF COMMISSIONED OFFICERS.—
11 (1) Section 7(a) of such Act (sec. 49–301(a), D.C. Official
12 Code) is amended—

13 (A) by striking “President of the United
14 States” and inserting “Mayor of the District of Co-
15 lumbia”; and

16 (B) by striking “President.” and inserting
17 “Mayor.”.

18 (2) Section 9 of such Act (sec. 49–304, D.C. Official
19 Code) is amended by striking “President” and inserting
20 “Mayor of the District of Columbia”.

21 (3) Section 13 of such Act (sec. 49–305, D.C. Official
22 Code) is amended by striking “President of the United
23 States” and inserting “Mayor of the District of Colum-
24 bia”.

1 (4) Section 19 of such Act (sec. 49–311, D.C. Official
2 Code) is amended—

3 (A) in subsection (a), by striking “to the Sec-
4 retary of the Army” and all that follows through
5 “which board” and inserting “to a board of exam-
6 ination appointed by the Commanding General,
7 which”; and

8 (B) in subsection (b), by striking “the Sec-
9 retary of the Army” and all that follows through the
10 period and inserting “the Mayor of the District of
11 Columbia, together with any recommendations of the
12 Commanding General.”.

13 (5) Section 20 of such Act (sec. 49–312, D.C. Official
14 Code) is amended—

15 (A) by striking “President of the United
16 States” each place it appears and inserting “Mayor
17 of the District of Columbia”; and

18 (B) by striking “the President may retire” and
19 inserting “the Mayor may retire”.

20 (d) CALL FOR DUTY.—(1) Section 45 of such Act
21 (sec. 49–103, D.C. Official Code) is amended by striking
22 “, or for the United States Marshal” and all that follows
23 through “shall thereupon order” and inserting “to order”.

1 (2) Section 46 of such Act (sec. 49–104, D.C. Official
2 Code) is amended by striking “the President” and insert-
3 ing “the Mayor of the District of Columbia”.

4 (e) GENERAL COURTS MARTIAL.—Section 51 of such
5 Act (sec. 49–503, D.C. Official Code) is amended by strik-
6 ing “the President of the United States” and inserting
7 “the Mayor of the District of Columbia”.

8 **SEC. 1068. CONFORMING AMENDMENTS TO TITLE 10,**
9 **UNITED STATES CODE.**

10 (a) FAILURE TO SATISFACTORILY PERFORM PRE-
11 SCRIBED TRAINING.—Section 10148(b) of title 10, United
12 States Code, is amended by striking “the commanding
13 general of the District of Columbia National Guard” and
14 inserting “the Mayor of the District of Columbia”.

15 (b) APPOINTMENT OF CHIEF OF NATIONAL GUARD
16 BUREAU.—Section 10502(a)(1) of such title is amended
17 by striking “the commanding general of the District of
18 Columbia National Guard” and inserting “the Mayor of
19 the District of Columbia”.

20 (c) VICE CHIEF OF NATIONAL GUARD BUREAU.—
21 Section 10505(a)(1)(A) of such title is amended by strik-
22 ing “the commanding general of the District of Columbia
23 National Guard” and inserting “the Mayor of the District
24 of Columbia”.

1 (d) OTHER SENIOR NATIONAL GUARD BUREAU OF-
2 FICERS.—Section 10506(a)(1) of such title is amended by
3 striking “the commanding general of the District of Co-
4 lumbia National Guard” both places it appears and insert-
5 ing “the Mayor of the District of Columbia”.

6 (e) CONSENT FOR ACTIVE DUTY OR RELOCATION.—
7 (1) Section 12301 of such title is amended—

8 (A) in subsection (b), by striking “commanding
9 general of the District of Columbia National Guard”
10 in the second sentence and inserting “Mayor of the
11 District of Columbia”; and

12 (B) in subsection (d), by striking the period at
13 the end and inserting the following: “, or, in the
14 case of the District of Columbia National Guard, the
15 Mayor of the District of Columbia.”.

16 (2) Section 12406 of such title is amended by striking
17 “the commanding general of the National Guard of the
18 District of Columbia” and inserting “the Mayor of the
19 District of Columbia”.

20 (f) CONSENT FOR RELOCATION OF UNITS.—Section
21 18238 of such title is amended by striking “the com-
22 manding general of the National Guard of the District of
23 Columbia” and inserting “the Mayor of the District of Co-
24 lumbia”.

1 **SEC. 1069. CONFORMING AMENDMENTS TO TITLE 32,**
2 **UNITED STATES CODE.**

3 (a) MAINTENANCE OF OTHER TROOPS.—Section
4 109(c) of title 32, United States Code, is amended by
5 striking “(or commanding general in the case of the Dis-
6 trict of Columbia)”.

7 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-
8 TIVITIES.—Section 112(h)(2) of such title is amended by
9 striking “the Commanding General of the National Guard
10 of the District of Columbia” and inserting “the Mayor of
11 the District of Columbia”.

12 (c) ADDITIONAL ASSISTANCE.—Section 113 of such
13 title is amended by adding at the end the following new
14 subsection:

15 “(e) INCLUSION OF DISTRICT OF COLUMBIA.—In
16 this section, the term ‘State’ includes the District of Co-
17 lumbia.”.

18 (d) APPOINTMENT OF ADJUTANT GENERAL.—Sec-
19 tion 314 of such title is amended—

20 (1) by striking subsection (b);

21 (2) by redesignating subsections (c) and (d) as
22 subsections (b) and (c), respectively; and

23 (3) in subsection (b) (as so redesignated), by
24 striking “the commanding general of the District of
25 Columbia National Guard” and inserting “the
26 Mayor of the District of Columbia,”.

1 (e) RELIEF FROM NATIONAL GUARD DUTY.—Sec-
2 tion 325(a)(2)(B) of such title is amended by striking
3 “commanding general of the District of Columbia Na-
4 tional Guard” and inserting “the Mayor of the District
5 of Columbia”.

6 (f) AUTHORITY TO ORDER TO PERFORM ACTIVE
7 GUARD AND RESERVE DUTY.—

8 (1) AUTHORITY.—Subsection (a) of section 328
9 of such title is amended by striking “the com-
10 manding general of the District of Columbia Na-
11 tional Guard” and inserting “the Mayor of the Dis-
12 trict of Columbia”.

13 (2) CLERICAL AMENDMENTS.—

14 (A) SECTION HEADING.—The heading of
15 such section is amended to read as follows:

16 “§ 328. Active Guard and Reserve duty: authority of
17 **chief executive**”.

18 (B) TABLE OF SECTIONS.—The table of
19 sections at the beginning of chapter 3 of such
20 title is amended by striking the item relating to
21 section 328 and inserting the following new
22 item:

“328. Active Guard and Reserve duty: authority of chief executive.”.

23 (g) PERSONNEL MATTERS.—Section 505 of such title
24 is amended by striking “commanding general of the Na-

1 tional Guard of the District of Columbia” in the first sen-
2 tence and inserting “Mayor of the District of Columbia”.

3 (h) NATIONAL GUARD CHALLENGE PROGRAM.—Sec-
4 tion 509 of such title is amended—

5 (1) in subsection (c)(1), by striking “the com-
6 manding general of the District of Columbia Na-
7 tional Guard, under which the Governor or the com-
8 manding general” and inserting “the Mayor of the
9 District of Columbia, under which the Governor or
10 the Mayor”;

11 (2) in subsection (g)(2), by striking “the com-
12 manding general of the District of Columbia Na-
13 tional Guard” and inserting “the Mayor of the Dis-
14 trict of Columbia”;

15 (3) in subsection (j), by striking “the com-
16 manding general of the District of Columbia Na-
17 tional Guard” and inserting “the Mayor of the Dis-
18 trict of Columbia”; and

19 (4) in subsection (k), by striking “the com-
20 manding general of the District of Columbia Na-
21 tional Guard” and inserting “the Mayor of the Dis-
22 trict of Columbia”.

23 (i) ISSUANCE OF SUPPLIES.—Section 702(a) of such
24 title is amended by striking “commanding general of the

1 National Guard of the District of Columbia” and inserting
2 “Mayor of the District of Columbia”.

3 (j) APPOINTMENT OF FISCAL OFFICER.—Section
4 708(a) of such title is amended by striking “commanding
5 general of the National Guard of the District of Colum-
6 bia” and inserting “Mayor of the District of Columbia”.

7 **SEC. 1070. CONFORMING AMENDMENT TO THE DISTRICT**
8 **OF COLUMBIA HOME RULE ACT.**

9 Section 602(b) of the District of Columbia Home
10 Rule Act (sec. 1–206.02(b), D.C. Official Code) is amend-
11 ed by striking “the National Guard of the District of Co-
12 lumbia,”.

13 **Subtitle G—Other Matters**

14 **SEC. 1071. TECHNICAL, CONFORMING, AND CLERICAL**
15 **AMENDMENTS.**

16 (a) TITLE 10, UNITED STATES CODE.—Title 10,
17 United States Code, is amended as follows:

18 (1) The table of chapters at the beginning of
19 part I of subtitle A is amended by striking the item
20 relating to the second section 19 (relating to cyber
21 matters).

22 (2) The table of sections at the beginning of
23 chapter 2 is amended by striking the item relating
24 to section 118 and inserting the following new item:

“118. Materiel readiness metrics and objectives for major weapon systems.”.

1 (3) The second section 118a, as added by sec-
2 tion 341 of the William M. (Mac) Thornberry Na-
3 tional Defense Authorization Act for Fiscal Year
4 2021 (Public Law 116–283), is redesignated as sec-
5 tion 118b, and the table of sections at the beginning
6 of chapter 2 of such title is conformed accordingly.

7 (4) Section 138(b)(2)(A)(i) is amended by
8 striking the semicolon.

9 (5) Section 196(d) is amended by striking “,”
10 and inserting “,”.

11 (6) Section 231a(e)(2) is amended by striking
12 “include the following,” and inserting “include”.

13 (7) Section 240b(b)(1)(B)(xiii) is amended by
14 striking “An” and inserting “A”.

15 (8) Section 240g(a)(3) is amended by striking
16 “; and” and inserting “;”.

17 (9) Section 393(b)(2)(D) is amended by insert-
18 ing a period at the end.

19 (10) Section 483(f)(3) is amended by inserting
20 “this” before “title”.

21 (11) Section 651(a) is amended by inserting a
22 comma after “3806(d)(1)”.

23 (12) The table of sections at the beginning of
24 chapter 39 is amended by adding a period at the end
25 of the item relating to section 691.

1 (13) Section 823(a)(2) (article 23(a)(2) of the
2 Uniform Code of Military Justice) is amended by in-
3 serting a comma after “Army”.

4 (14) Section 856(b) (article 56(b) of the Uni-
5 form Code of Military Justice) is amended by strik-
6 ing “subsection (d) of section 853a” and inserting
7 “subsection (e) of section 853a”.

8 (15) Section 1044e(g) is amended by striking
9 “number of Special Victims’ Counsel” and inserting
10 “number of Special Victims’ Counsels”.

11 (16) The table of sections at the beginning of
12 chapter 54 is amended by striking the item relating
13 to section 1065 and inserting the following new
14 item:

“1065. Use of commissary stores and MWR facilities: certain veterans, care-
givers for veterans, and Foreign Service officers.”.

15 (17) Section 1463(a)(4) is amended by striking
16 “that that” and inserting “that”.

17 (18) Section 1465(b)(2) is amended by striking
18 “the the” and inserting “the”.

19 (19) Section 1466(a) is amended, in the matter
20 preceding paragraph (1), by striking “Coast guard”
21 and inserting “Coast Guard”.

22 (20) Section 1554a(g)(2) is amended by strik-
23 ing “..” and inserting “.”.

24 (21) Section 1599h is amended—

1 (A) in subsection (a), by redesignating the
2 second paragraph (7) and paragraph (8) as
3 paragraphs (8) and (9), respectively; and

4 (B) in subsection (b)(1), by redesignating
5 the second subparagraph (G) and subparagraph
6 (H) as subparagraphs (H) and (I), respectively.

7 (22) Section 1705(a) is amended by striking “a
8 fund” and inserting “an account”.

9 (23) Section 1722a(a) is amended by striking
10 “,” and inserting “,”.

11 (24) Section 1788a(e) is amended—

12 (A) in paragraph (3), by striking “section
13 167(i)” and inserting “section 167(j)”;

14 (B) in paragraph (4), by striking “covered
15 personnel” and inserting “covered individuals”;
16 and

17 (C) in paragraph (5), in the matter pre-
18 ceding subparagraph (A), by striking “‘covered
19 personnel’” and inserting “‘covered individ-
20 uals’”.

21 (25) The table of chapters at the beginning of
22 Part III of subtitle A is amended, in the item relat-
23 ing to chapter 113, by striking the period after
24 “2200g”.

1 (26) Section 2107(a) is amended by striking
2 “or Space Force”.

3 (27) Section 2279b(b) is amended by redesignig-
4 nating the second paragraph (11) as paragraph
5 (12).

6 (28) Section 2321(f) is amended by striking
7 “the item” both places it appears and inserting “the
8 commercial product”.

9 (29) The second section 2350m (relating to
10 Execution of projects under the North Atlantic
11 Treaty Organization Security Investment Program),
12 as added by section 2503 of the William M. (Mac)
13 Thornberry National Defense Authorization Act for
14 Fiscal Year 2021 (Public Law 116–283) is redesignig-
15 nated as section 2350q and the table of sections at
16 the beginning of subchapter II of chapter 138 is
17 conformed accordingly.

18 (30) Section 2534(a) is amended—

19 (A) in paragraph (5), by striking “prin-
20 ciple” and inserting “principal”; and

21 (B) in paragraph (3), by striking “sub-
22 section (j)” and inserting “subsection (k)”.

23 (31) Section 2891a(e)(1) is amended by strik-
24 ing “the any” and inserting “the”.

1 (32) The table of sections at the beginning of
2 chapter 871 is amended by striking the item relating
3 to section 8749 and inserting the following new
4 item:

“8749. Civil service mariners of Military Sealift Command: release of drug and alcohol test results to Coast Guard.”.

5 (33) The second section 9084, as added by sec-
6 tion 1601 of the William M. (Mac) Thornberry Na-
7 tional Defense Authorization Act for Fiscal Year
8 2021 (Public Law 116–283), is transferred to ap-
9 pear after section 9085 and redesignated as section
10 9086, and the table of sections at the beginning of
11 chapter 908 of such title is conformed accordingly.

12 (34) Section 9132 (relating to Regular Air
13 Force and Regular Space Force: reenlistment after
14 service as an officer) is redesignated as section
15 9138.

16 (35) The section heading for section 9401 is
17 amended to read as follows:

18 **“§ 9401. Members of Air Force and Space Force: de-**
19 **tail as students, observers, and investiga-**
20 **tors at educational institutions, indus-**
21 **trial plants, and hospitals”.**

22 (36) The section heading for section 9402 is
23 amended to read as follows:

1 **“§ 9402. Enlisted members of Air Force or Space**
2 **Force: schools”.**

3 (37) Section 9840 is amended in the second
4 sentence by striking “He” and inserting “The offi-
5 cer”.

6 (b) NDAA FOR FISCAL YEAR 2021.—Effective as of
7 January 1, 2021, and as if included therein as enacted,
8 section 1 of the William M. (Mac) Thornberry National
9 Defense Authorization Act for Fiscal Year 2021 (Public
10 Law 116–283) is amended—

11 (1) by inserting “(a) IN GENERAL.—” before
12 “This Act”; and

13 (2) by adding at the end the following:

14 “(b) REFERENCES.—Any reference in this or any
15 other Act to the ‘National Defense Authorization Act for
16 Fiscal Year 2021’ shall be deemed to be a reference to
17 the ‘William M. (Mac) Thornberry National Defense Au-
18 thorization Act for Fiscal Year 2021’.”.

19 (c) COORDINATION WITH OTHER AMENDMENTS
20 MADE BY THIS ACT.—For purposes of applying amend-
21 ments made by provisions of this Act other than this sec-
22 tion, the amendments made by this section shall be treated
23 as having been enacted immediately before any such
24 amendments by other provisions of this Act.

1 **SEC. 1072. ASSISTANT SECRETARY OF DEFENSE FOR INDO-**
2 **PACIFIC SECURITY AFFAIRS.**

3 Section 138(b) of title 10, United States Code, is
4 amended by adding at the end the following new para-
5 graph:

6 “(8) One of the Assistant Secretaries is the Assistant
7 Secretary of Defense for Indo-Pacific Security Affairs.
8 The principal duties of the Assistant Secretary shall be
9 to—

10 “(A) act as principal advisor to the Under Sec-
11 retary of Defense for Policy and the Secretary of
12 Defense on international security strategy and policy
13 on issues of interest to the Department of Defense
14 that relate to the nations and international organiza-
15 tions of China, East Asia, South and Southeast
16 Asia, including governments and defense establish-
17 ments; and

18 “(B) provide oversight of security cooperation
19 programs, including foreign military sales, in the
20 Indo-Pacific region.”.

21 **SEC. 1073. IMPROVEMENT OF TRANSPARENCY AND CON-**
22 **GRESSIONAL OVERSIGHT OF CIVIL RESERVE**
23 **AIR FLEET.**

24 (a) DEFINITIONS.—

1 (1) SECRETARY.—Paragraph (10) of section
2 9511 of title 10, United States Code, is amended to
3 read as follows:

4 “(4) The term ‘Secretary’ means the Secretary
5 of Defense.”.

6 (2) CONFORMING AMENDMENTS.—Chapter 961
7 of title 10, United States Code, as amended by para-
8 graphs (1) and (2), is further amended—

9 (A) in section 9511a by striking “Sec-
10 retary of Defense” each place it appears and in-
11 serting “Secretary”;

12 (B) in section 9512(e), by striking “Sec-
13 retary of Defense” and inserting “Secretary”;
14 and

15 (C) in section 9515, by striking “Secretary
16 of Defense” each place it appears and inserting
17 “Secretary”.

18 (b) ANNUAL REPORT ON CIVIL RESERVE AIR
19 FLEET.—Section 9516 of title 10, United States Code, is
20 amended—

21 (1) in subsection (d), by striking “When the
22 Secretary” and inserting “Subject to subsection (e),
23 when the Secretary”;

24 (2) by redesignating subsection (e) as sub-
25 section (f); and

1 (3) by inserting after subsection (d) the fol-
2 lowing new subsection:

3 “(e) ANNUAL REPORT.—Not later than 60 days after
4 the end of each fiscal year, the Secretary shall submit to
5 the Committees on Armed Services of the Senate and the
6 House of Representatives a report that—

7 “(1) identifies each contract for airlift services
8 awarded in the preceding fiscal year to a provider
9 that does not meet the requirements set forth in
10 subparagraphs (A) and (B) of subsection (a)(1); and

11 “(2) for each such contract—

12 “(A) specifies the dollar value of the
13 award; and

14 “(B) provides a detailed explanation of the
15 reasons for the award.”.

16 (c) TECHNICAL AMENDMENTS.—

17 (1) IN GENERAL.—Chapter 961 of title 10,
18 United States Code, as amended by subsections (a)
19 and (b), is further amended—

20 (A) by redesignating sections 9511a and
21 9512 as sections 9512 and 9513, respectively;

22 (B) in section 9511, by striking “section
23 9512” each place it appears and inserting “sec-
24 tion 9513”; and

1 (C) in section 9514, by redesignating sub-
 2 section (g) as subsection (f).

3 (2) CLERICAL AMENDMENT.—The table of sec-
 4 tions at the beginning of such chapter is amended
 5 by striking the items relating to sections 9511a and
 6 9512 and inserting the following new items:

“9512. Civil Reserve Air Fleet contracts: payment rate.

“9513. Contracts for the inclusion or incorporation of defense features.”.

7 (d) CHARTER AIR TRANSPORTATION OF MEMBERS
 8 OF THE ARMED FORCES OR CARGO.—

9 (1) IN GENERAL.—Section 2640 of title 10,
 10 United States Code, is amended—

11 (A) in the section heading, by inserting
 12 “**or cargo**” after “**armed forces**”;

13 (B) in subsection (a)(1), by inserting “or
 14 cargo” after “members of the armed forces”;

15 (C) in subsection (b), by inserting “or
 16 cargo” after “members of the armed forces”;

17 (D) in subsection (d)(1), by inserting “or
 18 cargo” after “members of the armed forces”;

19 (E) in subsection (e)—

20 (i) by inserting “or cargo” after
 21 “members of the armed forces”; and

22 (ii) by inserting “or cargo” before the
 23 period at the end;

1 (F) in subsection (f), by inserting “or
2 cargo” after “members of the armed forces”;
3 and

4 (G) in subsection (j)(1), by inserting
5 “‘cargo,’” after “‘air transportation,’”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 157 of title 10,
8 United States Code, is amended by striking the item
9 relating to section 2640 and inserting the following
10 new item:

“2640. Charter air transportation of members of the armed forces or cargo.”.

11 **SEC. 1074. ENHANCEMENTS TO NATIONAL MOBILIZATION**

12 **EXERCISES.**

13 Section 10208 of title 10, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(c)(1) The Secretary shall, beginning in the first fis-
17 cal year that begins after the date of the enactment of
18 this subsection, and every 5 years thereafter, as part of
19 the major mobilization exercise under subsection (a), in-
20 clude the processes of the Selective Service System in
21 preparation for a draft, and submit to Congress a report
22 on the results of this exercise. The report may be sub-
23 mitted in classified form.

24 “(2) The exercise under this subsection—

1 “(A) shall include a review of national mobiliza-
2 tion strategic and operational concepts; and

3 “(B) shall include a simulation of a mobiliza-
4 tion of all armed forces and reserve units, with plans
5 and processes for incorporating Selective Service
6 System inductees.”.

7 **SEC. 1075. PROVIDING END-TO-END ELECTRONIC VOTING**
8 **SERVICES FOR ABSENT UNIFORMED SERV-**
9 **ICES VOTERS IN LOCATIONS WITH LIMITED**
10 **OR IMMATURE POSTAL SERVICE.**

11 (a) PLAN.—

12 (1) DEVELOPMENT.—In consultation with the
13 Chief Information Officer of the Department of De-
14 fense, the Presidential designee under the Uni-
15 formed and Overseas Citizens Absentee Voting Act
16 (52 U.S.C. 20301 et seq.) shall develop a plan for
17 providing end-to-end electronic voting services (in-
18 cluding services for registering to vote, requesting an
19 electronic ballot, completing the ballot, and return-
20 ing the ballot) in participating States for absent uni-
21 formed services voters under such Act who are de-
22 ployed or mobilized to locations with limited or im-
23 mature postal service (as determined by the Presi-
24 dential designee).

1 (2) SPECIFICATIONS.—The Presidential des-
2 ignee shall include in the plan developed under para-
3 graph (1)—

4 (A) methods to ensure that voters have the
5 opportunity to verify that their ballots are re-
6 ceived and tabulated correctly by the appro-
7 priate State and local election officials;

8 (B) methods to generate a verifiable and
9 auditable vote trail for the purposes of any re-
10 count or audit conducted with respect to an
11 election; and

12 (C) an assessment of whether commercially
13 available technologies may be used to carry out
14 any of the elements of the plan.

15 (3) CONSULTATION WITH STATE AND LOCAL
16 ELECTION OFFICIALS.—The Presidential designee
17 shall develop the plan under paragraph (1) in con-
18 sultation with appropriate State and local election
19 officials to ensure that the plan may be implemented
20 successfully in any State which agrees to participate
21 in the plan.

22 (4) USE OF CONTRACTORS.—To the extent the
23 Presidential designee determines to be appropriate,
24 the Presidential designee may include in the plan de-
25 veloped under paragraph (1) provisions for the use

1 of contractors to carry out any of the elements of
2 the plan.

3 (5) SUBMISSION.—Not later than one year after
4 the date of the enactment of this Act, the Presi-
5 dential designee shall submit the plan developed
6 under paragraph (1) to the Committees on Armed
7 Services of the House of Representatives and Sen-
8 ate.

9 (b) IMPLEMENTATION.—If the Presidential designee
10 determines it feasible, the Presidential designee shall im-
11 plement the plan developed under subsection (a)—

12 (1) for a trial group of voters in participating
13 States for elections for Federal office held in 2024;
14 and

15 (2) for all such voters in participating States
16 for elections for Federal office held in 2026 and any
17 succeeding year.

18 **SEC. 1076. RESPONSIBILITIES FOR NATIONAL MOBILIZA-**
19 **TION; PERSONNEL REQUIREMENTS.**

20 (a) EXECUTIVE AGENT FOR NATIONAL MOBILIZA-
21 TION.—The Secretary of Defense shall designate a senior
22 official within the Office of the Secretary of Defense as
23 the Executive Agent for National Mobilization. The Exec-
24 utive Agent for National Mobilization shall be responsible
25 for—

1 (1) developing, managing, and coordinating poli-
2 icy and plans that address the full spectrum of mili-
3 tary mobilization readiness, including full mobiliza-
4 tion of personnel from volunteers to draftees in the
5 event of a draft activation;

6 (2) providing Congress and the Selective Serv-
7 ice System with updated requirements and timelines
8 for obtaining draft inductees in the event of a na-
9 tional emergency requiring mass mobilization and
10 activation of the draft; and

11 (3) providing Congress with a plan, developed
12 in coordination with the Selective Service System, to
13 induct large numbers of volunteers who may respond
14 to a national call for volunteers during an emer-
15 gency.

16 (b) **PLAN REQUIRED.**—Not later than one year after
17 the date of the enactment of this Act, the Secretary of
18 Defense shall submit to Congress a plan for obtaining
19 draft inductees as part of a mobilization timeline for the
20 Selective Service System. The plan shall include a descrip-
21 tion of resources, locations, and capabilities of the Armed
22 Forces required to train, equip, and integrate drafted per-
23 sonnel into the total force, addressing scenarios that would
24 include 300,000, 600,000, and 1,000,000 new volunteer

1 and drafted personnel. The plan may be provided in classi-
2 fied form.

3 **SEC. 1077. UPDATE OF JOINT PUBLICATION 3-68: NON-**
4 **COMBATANT EVACUATION OPERATIONS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Noncombatant evacuation operations are
8 conducted by the Department of Defense to assist in
9 evacuating citizens and nationals of the United
10 States, Defense Department civilian personnel, and
11 designated host nation persons whose lives are in
12 danger from locations in a foreign nation to an ap-
13 propriate safe haven when directed by the Depart-
14 ment of State.

15 (2) Joint Publication 3-68: Noncombatant
16 Evacuation Operations has not been validated since
17 November 14, 2017.

18 (b) UPDATE OF PUBLICATION.—Not later than
19 March 1, 2022, the Chairman of the Joint Chiefs of Staff
20 shall update Joint Publication 3-68: Noncombatant Evac-
21 uation Operations.

22 **SEC. 1078. TREATMENT OF OPERATIONAL DATA FROM AF-**
23 **GHANISTAN.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) an immense amount of operational data and
2 intelligence has been developed over the past two
3 decades of war in Afghanistan; and

4 (2) this information is valuable and must be ap-
5 propriately retained.

6 (b) OPERATIONAL DATA.—The Secretary of Defense
7 shall—

8 (1) archive and standardize operational data
9 from Afghanistan across the myriad of defense infor-
10 mation systems; and

11 (2) ensure the Afghanistan operational data is
12 structured, searchable, and usable across the joint
13 force.

14 (c) BRIEFING.—Not later than March 4, 2022, the
15 Under Secretary of Defense for Intelligence and Security
16 shall provide a briefing to the Committee on Armed Serv-
17 ices of the House of Representatives on how the Depart-
18 ment of Defense has removed, retained, and assured long-
19 term access to operational data from Afghanistan across
20 each military department and command. Such briefing
21 shall address—

22 (1) the manner in which the Department of De-
23 fense is standardizing and archiving intelligence and
24 operational data from Afghanistan across the myriad
25 of defense information systems; and

1 (2) the manner in which the Department is en-
2 suring access to Afghanistan operational data across
3 the joint force.

4 **SEC. 1079. DEFENSE RESOURCE BUDGETING AND ALLOCA-**
5 **TION COMMISSION.**

6 (a) ESTABLISHMENT.—There is established a com-
7 mission, to be known as the “Defense Resource Budgeting
8 and Allocation Commission”. The purpose of the Commis-
9 sion is to develop a consensus on an effective and strategic
10 approach to Department of Defense resource budgeting
11 and allocation, including—

12 (1) by conducting an examination of the plan-
13 ning, programming, budgeting, and execution meth-
14 odology of the Department; and

15 (2) by considering potential alternatives to such
16 methodology to maximize the ability of the Depart-
17 ment to equip itself in a timely manner to respond
18 to current and emerging threats.

19 (b) MEMBERSHIP.—

20 (1) COMPOSITION.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the Commission shall be composed
23 of the following members:

24 (i) The Deputy Secretary of Defense.

1 (ii) The Director of Cost Assessment
2 and Program Evaluation for the Depart-
3 ment of Defense.

4 (iii) The Comptroller/Chief Financial
5 Officer for the Department of Defense.

6 (iv) The Deputy Director of the Office
7 of Management and Budget.

8 (v) Three members appointed by the
9 majority leader of the Senate, in consulta-
10 tion with the Chairman of the Committee
11 on Armed Services of the Senate, one of
12 whom shall be a member of the Senate and
13 two of whom shall not be.

14 (vi) Two members appointed by the
15 minority leader of the Senate, in consulta-
16 tion with the Ranking Member of the Com-
17 mittee on Armed Services of the Senate,
18 one of whom shall be a member of the Sen-
19 ate and one of whom shall not be.

20 (vii) Three members appointed by the
21 Speaker of the House of Representatives,
22 in consultation with the Chairman of the
23 Committee on Armed Services of the
24 House of Representatives, one of whom

1 shall be a member of the House of Rep-
2 resentatives and two of whom shall not be.

3 (viii) Two members appointed by the
4 minority leader of the House of Represent-
5 atives, in consultation with the ranking
6 member of the Committee on Armed Serv-
7 ices of the House of Representatives, one
8 of whom shall be a Member of the House
9 of Representatives and one of whom shall
10 not be.

11 (B) EXPERTISE.—The members of the
12 Commission who are not members of Congress
13 and who are appointed under clauses (v)
14 through (viii) of subparagraph (A) shall be indi-
15 viduals who are nationally recognized for exper-
16 tise, knowledge, or experience in—

17 (i) planning, programming, budgeting,
18 and execution methodology;

19 (ii) budgeting methodologies and inno-
20 vation; or

21 (iii) the implementation or oversight
22 of Department of Defense budgeting.

23 (C) CONFLICTS OF INTEREST.—An official
24 who appoints members of the Commission may
25 not appoint an individual as a member of the

1 Commission if such individual possesses any
2 personal or financial interest in the discharge of
3 any of the duties of the Commission.

4 (D) SECURITY CLEARANCES.—All mem-
5 bers of the Commission described in subpara-
6 graph (A) shall possess an appropriate security
7 clearance in accordance with applicable provi-
8 sions of law concerning the handling of classi-
9 fied information.

10 (E) DIVERSITY AND INCLUSION.—Mem-
11 bers of the Commission appointed pursuant to
12 subparagraph (A) shall be appointed in a man-
13 ner to ensure that, collectively, the members of
14 the Commission—

15 (i) have significant—

16 (I) professional and academic ex-
17 perience in the planning, program-
18 ming, budgeting, and executions sys-
19 tem;

20 (II) resource allocation and fi-
21 nancial management expertise from
22 the private sector; and

23 (III) appropriations oversight ex-
24 perience from the legislative branch of
25 the Government; and

1 (ii) represent the broadest possible di-
2 versity based on gender, race, ethnicity,
3 disability status, veteran status, sexual ori-
4 entation, gender identity, national origin,
5 and other demographic categories.

6 (2) CO-CHAIRS.—The Commission shall have
7 two co-chairs, selected from among the members of
8 the Commission. One co-chair of the Commission
9 shall be a member of the Democratic Party, and one
10 co-chair shall be a member of the Republican Party.
11 The individuals who serve as the co-chairs of the
12 Commission shall be jointly agreed upon by the
13 President, the majority leader of the Senate, the mi-
14 nority leader of the Senate, the Speaker of the
15 House of Representatives, and the minority leader of
16 the House of Representatives.

17 (c) APPOINTMENT; INITIAL MEETING.—

18 (1) APPOINTMENT.—Members of the Commis-
19 sion shall be appointed not later than 45 days after
20 the date of the enactment of this Act.

21 (2) INITIAL MEETING.—The Commission shall
22 hold its initial meeting on or before the date that is
23 60 days after the date of the enactment of this Act.

24 (d) MEETINGS; QUORUM; VACANCIES.—

1 (1) IN GENERAL.—After its initial meeting, the
2 Commission shall meet upon the call of the co-chairs
3 of the Commission.

4 (2) QUORUM.—Seven members of the Commis-
5 sion shall constitute a quorum for purposes of con-
6 ducting business, except that two members of the
7 Commission shall constitute a quorum for purposes
8 of receiving testimony.

9 (3) VACANCIES.—Any vacancy in the Commis-
10 sion shall not affect its powers, but shall be filled in
11 the same manner in which the original appointment
12 was made.

13 (4) QUORUM WITH VACANCIES.—If vacancies in
14 the Commission occur on any day that is 45 days
15 after the date of the enactment of this Act, a
16 quorum shall consist of a majority of the members
17 of the Commission as of such day.

18 (e) ACTIONS OF COMMISSION.—

19 (1) IN GENERAL.—The Commission shall act by
20 resolution agreed to by a majority of the members
21 of the Commission voting and present.

22 (2) PANELS.—The Commission may establish
23 panels composed of less than the full membership of
24 the Commission for purposes of carrying out the du-
25 ties of the Commission under this title. The actions

1 of any such panel shall be subject to the review and
2 control of the Commission. Any findings and deter-
3 minations made by such a panel shall not be consid-
4 ered the findings and determinations of the Commis-
5 sion unless approved by the Commission.

6 (3) DELEGATION.—Any member, agent, or staff
7 of the Commission may, if authorized by the co-
8 chairs of the Commission, take any action which the
9 Commission is authorized to take pursuant to this
10 title.

11 (f) DUTIES.—The duties of the Commission are as
12 follows:

13 (1) To define the core objectives and priorities
14 of the strategic approach referred to in subsection
15 (a).

16 (2) To weigh the costs and benefits of various
17 strategic options for the Department of Defense to
18 budget and allocate resources, including the plan-
19 ning, programming, budgeting, and execution meth-
20 odology in effect as of the date of the enactment of
21 this Act.

22 (3) To evaluate whether the strategic options
23 described in paragraph (2) are exclusive or com-
24plementary, the best means for executing such op-
25 tions, and how the Department of Defense should

1 incorporate and implement such options within its
2 budgeting methodology and strategy.

3 (4) To review and make determinations on the
4 difficult choices present within such options, includ-
5 ing how the Department can budget at the speed of
6 relevance to address current and emerging threats
7 while maintaining an appropriate degree of oversight
8 from Congress.

9 (5) To review adversarial budgeting methodolo-
10 gies and strategies to understand if and how adver-
11 saries are able to meet current and future threats
12 more or less successfully than the United States.

13 (6) To evaluate the effectiveness of the current
14 resource budgeting and allocation methodology to
15 meet current and emerging threats to the national
16 security of the United States.

17 (7) In weighing the options for defending the
18 United States, to consider possible structures and
19 authorities that need to be established, revised, or
20 augmented within the Federal Government.

21 (g) POWERS OF COMMISSION.—

22 (1) IN GENERAL.—

23 (A) HEARINGS; SUBPOENAS.—The Com-
24 mission or, on the authorization of the Commis-
25 sion, any subcommittee or member thereof,

1 may, for the purpose of carrying out the provi-
2 sions of this section—

3 (i) hold such hearings and sit and act
4 at such times and places, take such testi-
5 mony, receive such evidence, and admin-
6 ister such oaths; and

7 (ii) require, by subpoena or otherwise,
8 the attendance and testimony of such wit-
9 nesses and the production of such books,
10 records, correspondence, memoranda, pa-
11 pers, and documents, as the Commission
12 or such designated subcommittee or des-
13 ignated member considers necessary.

14 (B) SERVICE OF SUBPOENAS.—Subpoenas
15 may be issued under subparagraph (A)(ii)
16 under the signature of the co-chairs of the
17 Commission, and may be served by any person
18 designated by such co-chairs.

19 (C) FAILURE OF WITNESSES TO AP-
20 PEAR.—The provisions of sections 102 through
21 104 of the Revised Statutes of the United
22 States (2 U.S.C. 192-194) shall apply in the
23 case of any failure of a witness to comply with
24 any subpoena or to testify when summoned
25 under authority of this section.

1 (2) CONTRACTING.—The Commission may, to
2 such extent and in such amounts as are provided in
3 advance in appropriation Acts, enter into contracts
4 to enable the Commission to discharge its duties
5 under this title.

6 (3) INFORMATION FROM FEDERAL AGENCIES.—
7 The Commission may secure directly from any execu-
8 tive department, agency, bureau, board, commis-
9 sion, office, independent establishment, or instru-
10 mentality of the Government information, sugges-
11 tions, estimates, and statistics for the purposes of
12 this title. Each such department, agency, bureau,
13 board, commission, office, establishment, or instru-
14 mentality shall, to the extent authorized by law, fur-
15 nish such information, suggestions, estimates, and
16 statistics directly to the Commission, upon request
17 of the co-chairs of the Commission. The Commission
18 shall handle and protect all classified information
19 provided to it under this paragraph in accordance
20 with applicable statutes and regulations.

21 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (A) The Secretary of Defense shall provide
23 to the Commission, on a nonreimbursable basis,
24 such administrative services, funds, staff, facili-
25 ties, and other support services as are necessary

1 for the performance of the Commission's duties
2 under this title.

3 (B) The Director of the Office of Manage-
4 ment and Budget may provide the Commission,
5 on a nonreimbursable basis, with such adminis-
6 trative services, staff, and other support serv-
7 ices as the Commission may request. In addi-
8 tion to the assistance set forth in paragraphs
9 (1) and (2), other departments and agencies of
10 the United States may provide the Commission
11 such services, funds, facilities, staff, and other
12 support as such departments and agencies con-
13 sider advisable and as may be authorized by
14 law.

15 (C) The Commission shall receive the full
16 and timely cooperation of any official, depart-
17 ment, or agency of the United States Govern-
18 ment whose assistance is necessary, as jointly
19 determined by the co-chairs selected under sub-
20 section (b)(2), or the fulfillment of the duties of
21 the Commission, including the provision of full
22 and current briefings and analyses.

23 (5) **POSTAL SERVICES.**—The Commission may
24 use the United States postal services in the same

1 manner and under the same conditions as the de-
2 partments and agencies of the United States.

3 (6) GIFTS.—No member or staff of the Com-
4 mission may receive a gift or benefit by reason of
5 the service of such member or staff to the Commis-
6 sion.

7 (h) STAFF OF COMMISSION.—

8 (1) IN GENERAL.—

9 (A) DETAILEES.—Any Federal Govern-
10 ment employee may be detailed to the Commis-
11 sion without reimbursement from the Commis-
12 sion, and such detailee shall retain the rights,
13 status, and privileges of his or her regular em-
14 ployment without interruption.

15 (B) SECURITY CLEARANCE.—All staff of
16 the Commission shall possess a security clear-
17 ance in accordance with applicable laws and
18 regulations concerning the handling of classified
19 information.

20 (2) CONSULTANT SERVICES.—(A) The Commis-
21 sion may procure the services of experts and consult-
22 ants in accordance with section 3109 of title 5,
23 United States Code, but at rates not to exceed the
24 daily rate paid a person occupying a position at level

1 IV of the Executive Schedule under section 5315 of
2 such title.

3 (B) All experts and consultants employed by
4 the Commission shall possess a security clearance in
5 accordance with applicable laws and regulations con-
6 cerning the handling of classified information.

7 (i) COMPENSATION AND TRAVEL EXPENSES.—

8 (1) COMPENSATION.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), each member of the Com-
11 mission may be compensated at not to exceed
12 the daily equivalent of the annual rate of basic
13 pay in effect for a position at level IV of the
14 Executive Schedule under section 5315 of title
15 5, United States Code, for each day during
16 which that member is engaged in the actual
17 performance of the duties of the Commission
18 under this title.

19 (B) OFFICERS OR EMPLOYEES OF UNITED
20 STATES.—Members of the Commission who are
21 officers or employees of the United States or
22 Members of Congress shall receive no additional
23 pay by reason of their service on the Commis-
24 sion.

1 (2) TRAVEL EXPENSES.—While away from
2 their homes or regular places of business in the per-
3 formance of services for the Commission, members
4 of the Commission may be allowed travel expenses,
5 including per diem in lieu of subsistence, in the
6 same manner as persons employed intermittently in
7 the Government service are allowed expenses under
8 section 5703 of title 5, United States Code.

9 (j) TREATMENT OF INFORMATION RELATING TO NA-
10 TIONAL SECURITY.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall assume responsibility for the handling and dis-
13 position of any information related to the national
14 security of the United States that is received, con-
15 sidered, or used by the Commission under this title.
16 Any information related to the national security of
17 the United States that is provided to the Commis-
18 sion by the congressional armed services committees
19 may not be further provided or released without the
20 approval of the chairman of such committees.

21 (2) ACCESS AFTER TERMINATION OF COMMIS-
22 SION.—Notwithstanding any other provision of law,
23 after the termination of the Commission under sub-
24 section (k)(2), only the members and designated
25 staff of the Committees on Armed Services of the

1 Senate and House of Representatives, the Secretary
2 of Defense (and the designees of the Secretary), and
3 such other officials of the executive branch as the
4 President may designate shall have access to infor-
5 mation related to the national security of the United
6 States that is received, considered, or used by the
7 Commission.

8 (k) FINAL REPORT; TERMINATION.—

9 (1) FINAL REPORT.—Not later than September
10 1, 2022, the Commission shall submit to the Com-
11 mittees on Armed Services of the Senate and House
12 of Representatives, the Secretary of Defense, and
13 the Director of Office of Management and Budget a
14 final report containing the findings of the Commis-
15 sion.

16 (2) TERMINATION.—

17 (A) IN GENERAL.—The Commission, and
18 all the authorities of this section, shall termi-
19 nate at the end of the 120-day period beginning
20 on the date on which the final report under
21 paragraph (1) is submitted to the congressional
22 armed services committees.

23 (B) CONCLUSION OF ACTIVITIES.—The
24 Commission may use the 120-day period re-
25 ferred to in subparagraph (A) for the purposes

1 of concluding its activities, including providing
2 testimony to Congress concerning the final re-
3 port referred to in that paragraph and dissemi-
4 nating the report.

5 (l) ASSESSMENTS OF FINAL REPORT.—Not later
6 than 60 days after receipt of the final report under sub-
7 section (k)(1), the Secretary of Defense and the Director
8 of the Office of Management and Budget shall each sub-
9 mit to the Committees on Armed Service of the Senate
10 and House of Representatives an assessment by the Direc-
11 tor or the Secretary, as the case may be, of the final re-
12 port. Each such assessment shall include such comments
13 on the findings and recommendations contained in the
14 final report, as the Director or Secretary, as the case may
15 be, considers appropriate.

16 **SEC. 1080. COMMISSION ON AFGHANISTAN.**

17 (a) ESTABLISHMENT.—There is hereby established a
18 commission to be known as the “Commission on Afghani-
19 stan” (in this section referred to as the “Commission”).
20 The purpose of the Commission is to examine the war in
21 Afghanistan and make recommendations regarding lessons
22 learned.

23 (b) COMPOSITION.—

24 (1) MEMBERSHIP.—The Commission shall be
25 composed of 12 members appointed as follows:

1 (A) Three members appointed by the chair
2 of the Committee on Armed Services of the
3 House of Representatives.

4 (B) Three members appointed by the rank-
5 ing minority member of the Committee on
6 Armed Services of the House of Representa-
7 tives.

8 (C) Three members appointed by the chair
9 of the Committee on Armed Services of the
10 Senate.

11 (D) Three members appointed by the rank-
12 ing minority member of the Committee on
13 Armed Services of the Senate.

14 (2) CHAIR; VICE CHAIR.—

15 (A) CHAIR.—The chair of the Committee
16 on Armed Services of the House of Representa-
17 tive and the chair of the Committee on Armed
18 Services of the Senate shall jointly designate
19 one member of the Commission to serve as
20 chair of the Commission.

21 (B) VICE CHAIR.—The ranking minority
22 member of the Committee on Armed Services of
23 the House of Representative and the ranking
24 minority member of the Committee on Armed
25 Services of the Senate shall jointly designate

1 one member of the Commission to serve as vice
2 chair of the Commission.

3 (3) PERIOD OF APPOINTMENT; VACANCIES.—

4 Members shall be appointed for the life of the Com-
5 mission. Any vacancy in the Commission shall be
6 filled in the same manner as the original appoint-
7 ment.

8 (c) DUTIES.—

9 (1) REVIEW.—The Commission shall examine
10 the following periods of the war in Afghanistan;

11 (A) Generally, the entirety of the war be-
12 ginning with Operation Enduring Freedom in
13 2001 under the Bush administration.

14 (B) The period beginning in 2009 under
15 the Obama administration, when the United
16 States deployed an increased number of mem-
17 bers of the Armed Forces to Afghanistan, and
18 ending when such members of the Armed
19 Forces were reduced in 2011.

20 (C) The period beginning in August 2019
21 and ending in February 2020, covering the ne-
22 gotiation and execution of the U.S. Govern-
23 ment-Taliban agreement during the Trump Ad-
24 ministration.

1 (D) The period beginning in February
2 2020 and ending in August 2021, with the com-
3 pletion of the withdrawal of the Armed Forces
4 from Afghanistan under the Biden Administra-
5 tion.

6 (E) The period from 1996 to 2001, during
7 which the Taliban controlled the country, high-
8 lighting events or the absence of certain key
9 events that enabled conditions on the ground in
10 Afghanistan in 2001, including efforts to sup-
11 port the Northern Alliance and related resist-
12 ance groups, opportunities to eliminate terrorist
13 leaders like Osama Bin Laden and others, and
14 opportunities to address terror threats ema-
15 nating from Afghanistan prior to 2001.

16 (2) ASSESSMENT AND RECOMMENDATIONS.—
17 The Commission shall conduct a comprehensive as-
18 sessment of the war in Afghanistan and make rec-
19 ommendations to inform future operations with tac-
20 tical and strategic lessons learned, including the im-
21 pact of troop increases and decreases and date-cer-
22 tain deadlines.

23 (d) COOPERATION FROM GOVERNMENT.—

24 (1) COOPERATION.—In carrying out its duties,
25 the Commission shall receive the full and timely co-

1 operation of the Secretary of Defense in providing
2 the Commission with analysis, briefings, and other
3 information necessary for the fulfillment of its re-
4 sponsibilities.

5 (2) LIAISON.—The Secretary shall designate at
6 least one officer or employee of the Department of
7 Defense to serve as a liaison officer between the De-
8 partment and the Commission.

9 (e) OBTAINING OFFICIAL DATA.—

10 (1) IN GENERAL.—The Commission may secure
11 directly from any Federal department or agency in-
12 formation, including, consistent with the obligation
13 to protect intelligence sources and methods, informa-
14 tion in the possession of the intelligence community,
15 that is necessary to enable it to carry out its pur-
16 poses and functions under this section. Upon request
17 of the chair of the Commission, the chair of any sub-
18 committee created by a majority of the Commission,
19 or any member designated by a majority of the
20 Commission, the head of such department or agency
21 shall furnish such information to the Commission.

22 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
23 SEMINATION.—Information shall only be received,
24 handled, stored, and disseminated by members of

1 the Commission and its staff consistent with all ap-
2 plicable statutes, regulations, and Executive orders.

3 (f) REPORT.—

4 (1) FINAL REPORT.—Not later than August 31,
5 2022, and consistent with the protection of intel-
6 ligence sources and methods, the Commission shall
7 submit to the President, the Secretary of Defense,
8 and the appropriate congressional committees a re-
9 port on the Commission’s findings, conclusions, and
10 recommendations. The report shall address each of
11 the following:

12 (A) The findings of the Commission with
13 respect to each of the periods referred to in
14 subsection (c)(1).

15 (B) Intelligence and information upon
16 which the Bush, Obama, Trump, and Biden ad-
17 ministrations made planning decisions.

18 (C) The impact of the reduction in the
19 number of members of the Armed Forces de-
20 ployed to Afghanistan in 2011.

21 (D) The assessments made for the security
22 conditions to create a viable peace agreement in
23 2019.

24 (E) The security conditions necessary to
25 make such agreement a reality.

1 (F) A detailed analysis of the security con-
2 ditions on the ground in Afghanistan during the
3 entirety of the war in Afghanistan.

4 (G) The circumstances under which the
5 Biden Administration withdrew the Armed
6 Forces from Afghanistan in 2021.

7 (H) The lessons learned from 20 years in
8 Afghanistan.

9 (I) The lessons learned from 20 years of
10 equipping and supporting the Afghan National
11 Security Force.

12 (J) The impact of civilian harm and
13 human rights violations, including civilian cas-
14 ualties from airstrikes, arbitrary detention,
15 extrajudicial killings, and the use of torture, on
16 the security situation in Afghanistan, the ability
17 to equip and train the Afghan National Secu-
18 rity Force, and popular perceptions of the Af-
19 ghan National Government and the Taliban, in-
20 cluding an examination of the extent to which
21 such events contributed to the resurgence of the
22 Taliban.

23 (2) INTERIM BRIEFING.—Not later than March
24 3, 2022, the Commission shall provide to the appro-
25 priate congressional committees a briefing on the

1 status of its review and assessment, and include a
2 discussion of any interim recommendations.

3 (3) FORM.—The report submitted to Congress
4 under paragraph (1) shall be submitted in unclassi-
5 fied form, but may include a classified annex.

6 (4) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—In this subsection, the term “appropriate
8 congressional committees” means—

9 (A) the Committee on Armed Services of
10 the House of Representatives, and the Com-
11 mittee on Armed Services of the Senate; and

12 (B) the Permanent Select Committee on
13 Intelligence of the House of Representatives
14 and the Select Committee on Intelligence of the
15 Senate.

16 (f) FUNDING.—Of the amounts authorized to be ap-
17 propriated by to this Act for the Department of Defense,
18 \$5,000,000 is available to fund the activities of the Com-
19 mission.

20 (g) TERMINATION.—The Commission shall terminate
21 6 months after the date on which it submits the report
22 required by subsection (e).

1 **SEC. 1081. TECHNOLOGY PILOT PROGRAM TO SUPPORT**
2 **BALLOT TRANSMISSION FOR ABSENT UNI-**
3 **FORMED SERVICES AND OVERSEAS VOTES.**

4 (a) **IN GENERAL.**—Not later than 60 days after the
5 date of enactment of this Act, the individual designated
6 as the Presidential designee under section 101(a) of the
7 Uniformed and Overseas Citizens Absentee Voting Act (52
8 U.S.C. 20301(a)) shall, subject to the availability of ap-
9 propriations, establish and administer a technology pilot
10 program under section 589 of the Military and Overseas
11 Voter Empowerment Act (52 U.S.C. 20311) to provide
12 grants to State and local jurisdictions responsible for the
13 administration of elections for Federal office for use as
14 described in subsection (b) to administer the general elec-
15 tions for Federal office held in November 2022 and the
16 general elections for Federal office held in November
17 2024.

18 (b) **GRANT USES.**—A State or local jurisdiction re-
19 sponsible for the administration of elections for Federal
20 office may only use grant funds provided under the pro-
21 gram established under subsection (a) for the implementa-
22 tion of technologies that support the ability to vote of indi-
23 viduals entitled to vote in an election under the Uniformed
24 and Overseas Citizens Absentee Voting Act (52 U.S.C.
25 20301 et seq.), including technologies that—

1 (1) improve the security of ballot transmission,
2 including through the use of cloud-based and distrib-
3 uted ledger-based solutions, to enable ballot trans-
4 mission to meet existing Federal cybersecurity
5 guidelines; and

6 (2) allow grant recipients to measure and re-
7 port on data with respect to the use and effective-
8 ness of technologies tested under the program.

9 (c) REPORTING REQUIREMENT.—Not later than 60
10 days after the date of general elections in a State in which
11 a State or local jurisdiction responsible for the administra-
12 tion of Federal elections has received a grant under the
13 program for that election, the grant recipient shall prepare
14 and submit to the Presidential designee a report on the
15 effectiveness of the technologies tested under the program
16 and recommendations on the future use of such tech-
17 nologies.

18 (d) RESTRICTION ON GRANTS TO STATE AND LOCAL
19 JURISDICTIONS.—The Presidential designee may not pro-
20 vide grants to a local jurisdiction for an election specified
21 in subsection (a) if the State entity responsible for the
22 administration of elections for Federal office in such State
23 has received a grant under the program for that election.

1 **SEC. 1082. RECOGNITION OF THE MEMORIAL, MEMORIAL**
2 **GARDEN, AND K9 MEMORIAL OF THE NA-**
3 **TIONAL NAVY UDT-SEAL MUSEUM IN FORT**
4 **PIERCE, FLORIDA, AS THE OFFICIAL NA-**
5 **TIONAL MEMORIAL, MEMORIAL GARDEN,**
6 **AND K9 MEMORIAL, RESPECTIVELY, OF NAVY**
7 **SEALS AND THEIR PREDECESSORS.**

8 The Memorial, Memorial Garden, and K9 Memorial
9 of the National Navy UDT-SEAL Museum, located at
10 3300 North Highway A1A, North Hutchinson Island, in
11 Fort Pierce, Florida, are recognized as the official national
12 memorial, memorial garden, and K9 memorial, respec-
13 tively, of Navy SEALs and their predecessors.

14 **SEC. 1083. SENSE OF CONGRESS ON THE LEGACY, CON-**
15 **TRIBUTIONS, AND SACRIFICES OF AMERICAN**
16 **INDIAN AND ALASKA NATIVES IN THE ARMED**
17 **FORCES.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) The United States celebrates Native Amer-
20 ican History Month each November to recognize and
21 honor the history and achievements of Native Ameri-
22 cans.

23 (2) American Indian and Alaska Natives serve
24 in all branches of the Armed Forces, attend all serv-
25 ice academies, and defend our country with valiance,
26 pride, and honor.

1 (3) More than 30,000 active duty, reserve, and
2 National Guard members of the Armed Forces iden-
3 tify as Native American.

4 (4) American Indian and Alaska Natives have
5 served and continue to serve in the highest propor-
6 tions to population than any other ethnic group.

7 (5) American Indian and Alaska Natives have
8 served in every war, from the Revolutionary War to
9 current overseas conflicts.

10 (6) Native American veterans are Congressional
11 Medal of Honor, Congressional Gold and Silver Med-
12 als, Purple Heart, and Bronze Star Medal recipi-
13 ents.

14 (7) American Indian and Alaska Native women
15 serve in Armed Forces in higher proportions than
16 any other ethnic group.

17 (8) Native American Code Talkers and their
18 languages proved an invaluable asset during World
19 Wars I and II.

20 (9) Ira Hayes, Akimel O’odham (Pima) helped
21 to raise the American flag on Iwo Jima;

22 (10) Dr. Joseph Medicine Crow, Apsáalooke
23 (Crow), served in WWII and became a war chief.

24 (11) Numerous present and past military air-
25 craft, helicopters, and munitions programs bear the

1 names of Native American tribes and tribal leaders
2 to honor their legacy of martial prowess, including
3 the Apache, Kiowa, Black Hawk, Lakota, Chinook,
4 Huron, Iroquois, Comanche, Cayuse, Chickasaw,
5 Ute, Gray Eagle, Mescalero, Tomahawk, and more.

6 (12) Native American tribes commonly take
7 part in ceremonies alongside military units to bless
8 new aircraft and mark successful inception of new
9 fleets.

10 (13) More than 140,000 veterans across the
11 United States identify as Native American.

12 (14) Each November, the Department of De-
13 fense honors the unique and special relationship with
14 tribal communities during Native American Heritage
15 Month.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that Congress—

18 (1) recognizes and honors the legacy and con-
19 tributions of American Indian and Alaska Natives
20 and tribal communities to the military of the United
21 States; and

22 (2) commits to ensuring progress for American
23 Indian and Alaska Native members of the Armed
24 Forces and veterans with regard to representation in
25 senior military leadership positions, improving access

1 to culturally competent resources and services, and
2 supporting families and tribal communities.

3 **SEC. 1084. NAME OF NAVAL MEDICAL CENTER CAMP**
4 **LEJEUNE.**

5 Naval Medical Center Camp Lejeune located on Ma-
6 rine Corps Base Camp Lejeune, North Carolina, shall
7 after the date of the enactment of this Act be known and
8 designated as the “Walter B. Jones Naval Medical Cen-
9 ter”. Any reference to Naval Medical Center Camp
10 Lejeune in any law, regulation, map, document, record,
11 or other paper of the United States shall be considered
12 to be a reference to the Walter B. Jones Naval Medical
13 Center.

14 **SEC. 1085. SENSE OF CONGRESS REGARDING NAMING A**
15 **WARSHIP THE USS FALLUJAH.**

16 It is the sense of Congress that the Secretary of the
17 Navy should name a warship the “USS Fallujah”.

18 **SEC. 1086. NAME OF AIR FORCE UTAH TEST AND TRAINING**
19 **RANGE.**

20 The Air Force Utah Test and Training Range shall
21 after the date of the enactment of this Act be known and
22 designated as the “Bishop Utah Test and Training
23 Range”. Any reference to such test and training range in
24 any law, regulation, map, document, record, or other

1 paper of the United States shall be considered to be a ref-
2 erence to the Bishop Utah Test and Training Range.

3 **SEC. 1087. NAME OF AIR FORCE UTAH TEST AND TRAINING**
4 **RANGE CONSOLIDATED MISSION CONTROL**
5 **CENTER.**

6 The Air Force Utah Test and Training Range Con-
7 solidated Mission Control Center shall after the date of
8 the enactment of this Act be known and designated as the
9 “Robert W. Bishop Utah Test and Training Range Com-
10 bined Mission Control Center”. Any reference to such
11 combined mission control center in any law, regulation,
12 map, document, record, or other paper of the United
13 States shall be considered to be a reference to the Robert
14 W. Bishop Utah Test and Training Range Combined Mis-
15 sion Control Center.

16 **SEC. 1088. SENSE OF CONGRESS REGARDING CRISIS AT**
17 **THE SOUTHWEST BORDER.**

18 (a) FINDINGS.—Congress makes the following find-
19 ings:

20 (1) There were 1,300,000 illegal crossings be-
21 tween January, 2021, and July, 2021, at the South-
22 west land border of the United States.

23 (2) The 212,672 migrant encounters on the
24 Southwest land border in July 2021 was a 21-year
25 high.

1 (3) Noncitizens with criminal convictions are
2 routinely encountered at ports of entry and between
3 ports of entry on the Southwest land border.

4 (4) Some of the inadmissible individuals en-
5 countered on the southwest border are known or
6 suspected terrorists.

7 (5) Transnational criminal organizations rou-
8 tinely move illicit drugs, counterfeit products, and
9 trafficked humans across the Southwest land border.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the current level of illegal crossings and
13 trafficking on the Southwest border represents a na-
14 tional security threat;

15 (2) the Department of Defense has rightly con-
16 tributed personnel to aid the efforts of the United
17 States Government to address the crisis at the
18 Southwest border;

19 (3) the National Guard and active duty mem-
20 bers of the Armed Forces are to be commended for
21 their hard work and dedication in their response to
22 the crisis at the Southwest land border; and

23 (4) border security is a matter of national secu-
24 rity and the failure to address the crisis at the

1 Southwest border introduces significant risk to the
2 people of the United States.

3 **SEC. 1089. IMPROVEMENTS AND CLARIFICATIONS RELAT-**
4 **ING TO UNAUTHORIZED USE OF COMPUTERS**
5 **OF DEPARTMENT OF DEFENSE.**

6 The Secretary of Defense shall take such steps as
7 may be necessary to ensure that the electronic banner that
8 appears on the screens of computers of the Department
9 of Defense upon access of such computers (providing
10 warnings related to access and use of U.S. Government
11 computers) is updated to include language prohibiting
12 users from using government email for an unauthorized
13 purpose.

14 **SEC. 1090. NATIONAL MUSEUM OF THE SURFACE NAVY.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) The United States Surface Navy represents
18 the millions of sailors and thousands of ships that
19 sail on oceans around the world to ensure the safety
20 and freedom of Americans and all people.

21 (2) The Battleship IOWA is an iconic Surface
22 Navy vessel that—

23 (A) served as home to hundreds of thou-
24 sands of sailors from all 50 States; and

1 (B) is recognized as a transformational
2 feat of engineering and innovation.

3 (3) In 2012, the Navy donated the Battleship
4 IOWA to the Pacific Battleship Center, a nonprofit
5 organization pursuant to section 501(c)(3) of the In-
6 ternal Revenue Code of 1986, after which the Center
7 established the Battleship IOWA Museum at the
8 Port of Los Angeles in Los Angeles, California.

9 (4) The Battleship IOWA Museum is a mu-
10 seum and educational institution that—

11 (A) has welcomed millions of visitors from
12 across the United States and receives support
13 from thousands of Americans throughout the
14 United States to preserve the legacy of those
15 who served on the Battleship IOWA and all
16 Surface Navy ships;

17 (B) is home to Los Angeles Fleet Week,
18 which has the highest public engagement of any
19 Fleet Week in the United States and raises
20 awareness of the importance of the Navy to de-
21 fending the United States, maintaining safe sea
22 lanes, and providing humanitarian assistance;

23 (C) hosts numerous military activities, in-
24 cluding enlistments, re-enlistments,
25 commissionings, promotions, and community

1 service days, with participants from throughout
2 the United States;

3 (D) is a leader in museum engagement
4 with innovative exhibits, diverse programming,
5 and use of technology;

6 (E) is an on-site training platform for Fed-
7 eral, State, and local law enforcement personnel
8 to use for a variety of training exercises, includ-
9 ing urban search and rescue and maritime secu-
10 rity exercises;

11 (F) is a partner with the Navy in carrying
12 out Defense Support of Civil Authorities efforts
13 by supporting training exercises and responses
14 to crises, including the COVID–19 pandemic;

15 (G) is a science, technology, engineering,
16 and mathematics education platform for thou-
17 sands of students each year;

18 (H) is an instrumental partner in the eco-
19 nomic development efforts along the Los Ange-
20 les waterfront by attracting hundreds of thou-
21 sands of visitors annually and improving the
22 quality of life for area residents; and

23 (I) provides a safe place for—

24 (i) veteran engagement and reintegra-
25 tion into the community through programs

1 and activities that provide a sense of be-
2 longing to members of the Armed Forces
3 and veterans; and

4 (ii) proud Americans to come together
5 in common purpose to highlight the impor-
6 tance of service to community for the fu-
7 ture of the United States.

8 (5) In January 2019, the Pacific Battleship
9 Center received a license for the rights of the Na-
10 tional Museum of the Surface Navy from the Navy
11 for the purpose of building such museum aboard the
12 Battleship IOWA at the Port of Los Angeles.

13 (6) The National Museum of the Surface Navy
14 will—

15 (A) be the official museum to honor mil-
16 lions of Americans who have proudly served and
17 continue to serve in the Surface Navy since the
18 founding of the Navy on October 13, 1775;

19 (B) be a community-based and future-ori-
20 ented museum that will raise awareness and
21 educate the public on the important role of the
22 Surface Navy in ensuring international rela-
23 tions, maintaining safe sea transit for free
24 trade, preventing piracy, providing humani-

1 tarian assistance, and enhancing the role of the
2 United States throughout the world;

3 (C) build on successes of the Battleship
4 IOWA Museum by introducing new exhibits and
5 programs with a focus on education, veterans,
6 and community;

7 (D) borrow and exhibit artifacts from the
8 Navy and other museums and individuals
9 throughout the United States; and

10 (E) work with individuals from the Surface
11 Navy community and the public to ensure that
12 the story of the Surface Navy community is ac-
13 curately interpreted and represented.

14 (b) DESIGNATION.—

15 (1) IN GENERAL.—The Battleship IOWA Mu-
16 seum, located in Los Angeles, California, and man-
17 aged by the Pacific Battleship Center, shall be des-
18 ignated as the “National Museum of the Surface
19 Navy”.

20 (2) PURPOSES.—The purposes of the National
21 Museum of the Surface Navy shall be to—

22 (A) provide and support—

23 (i) a museum dedicated to the United
24 States Surface Navy community; and

1 (ii) a platform for education, commu-
2 nity, and veterans programs;

3 (B) preserve, maintain, and interpret arti-
4 facts, documents, images, stories, and history
5 collected by the museum; and

6 (C) ensure that the American people un-
7 derstand the importance of the Surface Navy in
8 the continued freedom, safety, and security of
9 the United States.

10 **SEC. 1091. SENSE OF CONGRESS HONORING THE DOVER**
11 **AIR FORCE BASE, DELAWARE, HOME TO THE**
12 **436TH AIRLIFT WING, THE 512TH AIRLIFT**
13 **WING, AND THE CHARLES C. CARSON CENTER**
14 **FOR MORTUARY AFFAIRS.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) The Dover Air Force Base is home to more
17 than 4,000 active-duty military and civilian employ-
18 ees tasked with defending the United States of
19 America.

20 (2) The Dover Air Force Base supports the
21 mission of the th Airlift Wing, known as “Eagle
22 Wing” and the 512th Airlift Wing, known as “Lib-
23 erty Wing”.

24 (3) The “Eagle Wing” serves as a unit of the
25 Eighteenth Air Force headquartered with the Air

1 Mobility Command at Scott Air Force Base in Illi-
2 nois.

3 (4) The “Eagle Wing” flies hundreds of mis-
4 sions throughout the world, provides a quarter of the
5 United States’ strategic airlift capability, and boasts
6 a global reach to over 100 countries around the
7 world.

8 (5) The Dover Air Force Base hosts incredible
9 aircrews and aircraft utilized by the United States
10 Air Force, including the C-5M Super Galaxy and C-
11 17A Globemaster III aircraft.

12 (6) The recent Afghanistan airlift is testament
13 to the dedication and readiness of the Dover Air
14 Force Base aircrews and their aircraft.

15 (7) The Dover Air Force Base operates the
16 largest and busiest air freight terminal in the De-
17 partment of Defense, fulfilling an important role in
18 our Nation’s military.

19 (8) The Air Mobility Command Museum is lo-
20 cated on the Dover Air Force base and welcomes
21 thousands of visitors each year to learn more about
22 the United States Air Force.

23 (9) The Charles C. Carson Center for Mortuary
24 Affairs fulfills our Nation’s sacred commitment of

1 ensuring dignity, honor, and respect to the fallen
2 and care service and support to their families.

3 (10) The recent events in Afghanistan brought
4 to the fore of public awareness the work of the serv-
5 ice members and staff of the Center for Mortuary
6 Affairs.

7 (11) While the recent tragedy that befell our
8 heroes in Afghanistan was the most recent dignified
9 transfer, it is important to not forget that the Cen-
10 ter for Mortuary Affairs has conducted over 8,150
11 dignified transfers since September 11, 2001.

12 (12) This sacred mission has been entrusted to
13 Dover Air Force Base since 1955 and the Center is
14 currently the only Department of Defense mortuary
15 in the continental United States.

16 (13) Service members who serve at the Center
17 for Mortuary Affairs are often so moved by their
18 work that they voluntarily elect to serve multiple
19 tours because they feel called to serve our fallen he-
20 roes.

21 (b) SENSE OF CONGRESS.—It is the sense of the
22 Congress that the people of the United States should—

23 (1) honor and express sincerest gratitude to the
24 women and men of the Dover Air Force Base for
25 their distinguished service;

1 (2) acknowledge the incredible sacrifice and
2 service of the families of active-duty members of the
3 United States military;

4 (3) keep in their thoughts and their prayers the
5 women and men of the United States Armed Forces;
6 and

7 (4) recognize the incredibly unique and impor-
8 tant work of the Air Force Mortuary Affairs Oper-
9 ations and the role they play in honoring our fallen
10 heroes.

11 **SEC. 1092. SENSE OF CONGRESS REGARDING THE PORT**

12 **CHICAGO 50.**

13 It is the sense of Congress that—

14 (1) the American people should recognize the
15 role of racial bias in the prosecution and convictions
16 of the Port Chicago 50 following the deadliest home
17 front disaster in World War II;

18 (2) the military records of each of the Port Chi-
19 cago 50 should reflect such exoneration of any and
20 all charges brought against them in the aftermath of
21 the explosion; and

22 (3) the Secretary of the Navy should upgrade
23 the general and summary discharges of each of the
24 Port Chicago 50 sailors to honorable discharges.

1 **SEC. 1093. TRANSFER OF EXCESS AIRCRAFT TO OTHER DE-**
2 **PARTMENTS OF THE FEDERAL GOVERN-**
3 **MENT.**

4 Section 1091 of the National Defense Authorization
5 Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C.
6 2576 note) is amended—

7 (1) by striking subsection (c);

8 (2) in subsection (d)—

9 (A) in paragraph (1), by striking “up to
10 seven”; and

11 (B) by amending paragraph (2) to read as
12 follows:

13 “(2) EXPIRATION OF RIGHT OF REFUSAL.—A
14 right of refusal afforded the Secretary of Agriculture
15 or the Secretary of Homeland Security under para-
16 graph (1) with regards to an aircraft shall expire
17 upon official notice of such Secretary to the Sec-
18 retary of Defense that such Secretary declines such
19 aircraft.”;

20 (3) in subsection (e)—

21 (A) in paragraph (1), by inserting “,
22 search and rescue, or emergency operations per-
23 taining to wildfires” after “purposes”; and

24 (B) in paragraph (2), by inserting “,
25 search and rescue, emergency operations per-
26 taining to wildfires,” after “efforts”;

1 (4) by striking subsection (f); and

2 (5) by adding at the end the following new sub-
3 section:

4 “(h) REPORTING.—Not later than November 1,
5 2022, and annually thereafter, the Secretary of Defense
6 shall submit to the Committees on Armed Services of the
7 Senate and House of Representatives a report on aircraft
8 transferred, during the fiscal year preceding the date of
9 such report to—

10 “(1) the Secretary of Agriculture or the Sec-
11 retary of Homeland Security under this section;

12 “(2) the chief executive officer of a State under
13 section 112 of the National Defense Authorization
14 Act for Fiscal Year 2012 (Public Law 112–81); or

15 “(3) the Secretary of the Air Force or the Sec-
16 retary of Agriculture under section 1098 of the Na-
17 tional Defense Authorization Act for Fiscal Year
18 2014 (Public Law 113–66; 127 Stat. 881).”.

19 **SEC. 1094. INDEPENDENT EPIDEMIOLOGICAL ANALYSIS OF**
20 **HEALTH EFFECTS FROM EXPOSURE TO DE-**
21 **PARTMENT OF DEFENSE ACTIVITIES IN**
22 **VIEQUES.**

23 (a) AGREEMENT.—

24 (1) IN GENERAL.—The Secretary of Defense
25 shall seek to enter into an agreement with the Na-

1 tional Academies of Sciences, Engineering, and Med-
2 icine for the National Academies of Sciences, Engi-
3 neering, and Medicine to perform the services cov-
4 ered by this section.

5 (2) TIMING.—The Secretary shall seek to enter
6 into the agreement described in paragraph (1) not
7 later than 60 days after the date of the enactment
8 of this Act.

9 (b) STUDIES.—

10 (1) IN GENERAL.—Under an agreement be-
11 tween the Secretary and the National Academies of
12 Sciences, Engineering, and Medicine under this sec-
13 tion, the National Academies of Sciences, Engineer-
14 ing, and Medicine shall carry out epidemiological
15 studies of the short-term, long-term, primary, and
16 secondary health effects caused or sufficiently cor-
17 related to exposure to chemicals and radioactive ma-
18 terials from activities of the Department of Defense
19 in the communities of concern, including any rec-
20 ommendations. In carrying out such studies, the Na-
21 tional Academies may incorporate the research gen-
22 erated pursuant to funding opportunity number
23 EPA–G2019–ORD–A1.

24 (2) ELEMENTS.—The epidemiological studies
25 carried out under paragraph (1) and the rec-

1 ommendations developed under such paragraph shall
2 include the following:

3 (A) A list of known contaminants and their
4 locations that have been left by the Department
5 of Defense in the communities of concern.

6 (B) For each contaminant under subpara-
7 graph (A), an epidemiological study that—

8 (i) estimates the disease burden of
9 current and past residents of Vieques,
10 Puerto Rico, from such contaminants;

11 (ii) incorporates historical estimates of
12 residents' groundwater exposure to con-
13 taminants of concern that—

14 (I) predate the completion of the
15 water-supply pipeline in 1978;

16 (II) include exposure to ground-
17 water from Atlantic Weapons Fleet
18 Weapons Training Area “Area of
19 Concern E” and any other exposures
20 that the National Academies deter-
21 mine necessary;

22 (III) consider differences between
23 the aquifers of Vieques; and

24 (IV) consider the differences be-
25 tween public and private wells, and

1 possible exposures from commercial or
2 agricultural uses; and

3 (iii) includes estimates of current resi-
4 dents' exposure to chemicals and radiation
5 which may affect the groundwater, food,
6 air, or soil, that—

7 (I) include current residents'
8 groundwater exposure in the event of
9 the water-supply pipeline being tempo-
10 rarily lost; and

11 (II) is based on the actual prac-
12 tices of residents in Vieques during
13 times of duress, for example the use
14 of wells for fresh water following Hur-
15 ricane Maria.

16 (C) An identification of Military Munitions
17 Response Program sites that have not fully in-
18 vestigated whether contaminants identified at
19 other sites are present or the degree of con-
20 tamination present.

21 (D) The production of separate, peer-re-
22 viewed quality research into adverse health out-
23 comes, including cancer, from exposure to
24 drinking water contaminated with methyl tert-
25 butyl ether (MTBE).

1 (E) Any other factors the National Acad-
2 emies determine necessary.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than two years
5 after the date of the execution of an agreement
6 under subsection (a), the National Academies of
7 Sciences, Engineering, and Medicine shall—

8 (A) submit to the appropriate congres-
9 sional committees a report on the findings of
10 the National Academies under subsection (b);
11 and

12 (B) make available to the public on a pub-
13 licly accessible website a version of the report
14 that is suitable for public viewing.

15 (2) FORM.—The report submitted under para-
16 graph (1)(A) shall be submitted in unclassified form.

17 (d) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the congressional defense committees;
21 and

22 (B) the Committee on Natural Resources
23 of the House of Representatives and the Com-
24 mittee on Energy and Natural Resources of the
25 Senate.

1 (2) The term “communities of concern” means
2 Naval Station Roosevelt Roads and the former At-
3 lantic Fleet Weapons Training Area.

4 **SEC. 1095. AVAILABILITY OF MODULAR SMALL ARMS**
5 **RANGE FOR ARMY RESERVE IN PUERTO**
6 **RICO.**

7 The Secretary of Army shall ensure that a modular
8 small arms range is made available for the Army Reserve
9 in Puerto Rico.

10 **SEC. 1096. INDEPENDENT STUDIES REGARDING POTENTIAL**
11 **COST SAVINGS WITH RESPECT TO THE NU-**
12 **CLEAR SECURITY ENTERPRISE AND FORCE**
13 **STRUCTURE.**

14 (a) COMPTROLLER GENERAL REPORT.—

15 (1) REQUIREMENT.—Not later than December
16 1, 2021, the Comptroller General of the United
17 States shall submit to the congressional defense
18 committees a report containing cost analyses with
19 respect to each of the following:

20 (A) Options for reducing the nuclear secu-
21 rity enterprise (as defined by section 4002 of
22 the Atomic Energy Defense Act (50 U.S.C.
23 2501)).

24 (B) Options for reductions in service con-
25 tracts.

1 (C) Options for rebalancing force struc-
2 ture, including reductions in special operations
3 forces, the ancillary effects of such options, and
4 the impacts of changing the force mix between
5 active and reserve components.

6 (D) Options for reducing or realigning
7 overseas military presence.

8 (E) Options for the use of pre-award au-
9 dits to negotiate better prices for weapon sys-
10 tems and services.

11 (F) Options for replacing some military
12 personnel with civilian employees.

13 (2) FORM.—The report under paragraph (1)
14 shall be submitted in unclassified form, but may
15 contain a classified annex with respect to the mat-
16 ters specified in subparagraphs (A) and (C) of such
17 paragraph.

18 (b) FFRDC STUDIES.—

19 (1) REQUIREMENT.—The Secretary of Defense
20 shall seek to enter into agreements with federally
21 funded research and development centers to conduct
22 the following studies:

23 (A) A study of the cost savings resulting
24 from changes in force structure, active and re-
25 serve component balance, basing, and other im-

1 pacts resulting from potential challenges to
2 foundational planning assumptions.

3 (B) A study of the cost savings resulting
4 from the adoption of alternatives to the current
5 nuclear deterrence posture of the United States.

6 (C) A study of the cost savings of alter-
7 natives to current force structures.

8 (2) **DETAIL REQUIRED.**—The Secretary shall
9 ensure that each study under paragraph (1) has a
10 level of detail sufficient to allow the Director of the
11 Congressional Budget Office to analyze the costs de-
12 scribed in such studies.

13 (3) **SUBMISSION.**—Not later than December 1,
14 2021, the Secretary shall submit to the congres-
15 sional defense committees each study under para-
16 graph (1).

17 (4) **FORM.**—The studies under paragraph (1),
18 and the report under paragraph (3), shall be sub-
19 mitted in unclassified form, but may contain a clas-
20 sified annex.

21 (c) **INDEPENDENT STUDY.**—

22 (1) **REQUIREMENT.**—The Secretary shall seek
23 to enter into an agreement with an appropriate non-
24 partisan nongovernmental entity to conduct a study
25 on possible alternatives to the current defense and

1 deterrence posture of the United States, including
2 challenges to foundational assumptions, and the im-
3 pact of such postures on planning assumptions and
4 requirements, basing, and force structure require-
5 ments.

6 (2) SUBMISSION.—Not later than December 1,
7 2021, the Secretary shall submit to the congres-
8 sional defense committees the study under para-
9 graph (1).

10 **SEC. 1097. INCLUSION OF SUPPORT SERVICES FOR GOLD**
11 **STAR FAMILIES IN QUADRENNIAL QUALITY**
12 **OF LIFE REVIEW.**

13 (a) TECHNICAL AMENDMENT.—

14 (1) IN GENERAL.—The second section 118a of
15 title 10, United States Code (relating to the quad-
16 rennial quality of life review) is redesignated as sec-
17 tion 118b.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 2 of such title is
20 amended by striking the item relating to the second
21 section 118a and inserting the following new item:

“118b. Quadrennial quality of life review.”.

22 (b) INCLUSION IN REVIEW.—Subsection (c) of sec-
23 tion 118b of title 10, United States Code, as redesignated
24 under subsection (a), is amended by adding at the end
25 the following new paragraph:

1 “(15) Support services for Gold Star families.”.

2 **SEC. 1098. OBSERVANCE OF NATIONAL ATOMIC VETERANS**

3 **DAY.**

4 (a) SENSE OF CONGRESS.—It is the Sense of Con-
5 gress that—

6 (1) the United States should annually observe
7 Atomic Veterans Day to recognize American military
8 service members who participated in nuclear tests
9 between 1945 and 1962, served with United States
10 military forces in or around Hiroshima and Naga-
11 saki through mid-1946, or were held as prisoners of
12 war in or near Hiroshima or Nagasaki;

13 (2) the people of the United States should rec-
14 ognize and remember the contributions of America’s
15 Atomic Veterans for their sacrifice and dedication to
16 our Nation’s security, and recommit themselves to
17 supporting our Atomic Veterans and educating
18 themselves on the role these patriots played in our
19 national story; and

20 (3) President Reagan and President Biden took
21 important steps to recognize Atomic Veterans by
22 proclaiming July 16, 1983, and July 16, 2021, re-
23 spectively, as National Atomic Veterans Day, reflec-
24 tive of the fact that July 16 is the anniversary of

1 Trinity, the world’s first detonation of a nuclear de-
2 vice in Alamogordo, New Mexico on July 16, 1945.

3 (b) NATIONAL ATOMIC VETERANS DAY.—Chapter 1
4 of title 36, United States Code, is amended by adding at
5 the end the following new section:

6 **“§ 146. National Atomic Veterans Day**

7 “The President shall issue each year a proclamation
8 calling on the people of the United States to—

9 “(1) observe such Atomic Veterans Day with
10 appropriate ceremonies and activities; and

11 “(2) remember and honor our Nation’s Atomic
12 Veterans whose brave service and sacrifice played an
13 important role in the defense of our Nation.”.

14 (c) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 1 of title 36, United States Code, is amended by add-
16 ing at the end the following new item:

“146. National Atomic Veterans Day.”.

17 **SEC. 1099. ANOMALOUS HEALTH INCIDENTS INTERAGENCY**
18 **COORDINATOR.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) Since at least 2016, United States Govern-
21 ment personnel and their family members have re-
22 ported anomalous health incidents at diplomatic mis-
23 sions across the world and in the United States,
24 which are sometimes referred to as “Havana Syn-
25 drome”.

1 (2) Some of the anomalous health incidents
2 have resulted in unexplained brain injuries, which
3 have had permanent, life-altering effects that have
4 disrupted lives and ended careers.

5 (3) A panel of experts convened by the Bureau
6 of Medical Services of the Department of State in
7 July 2017 to review triage assessments of medically
8 evaluated personnel from the United States Em-
9 bassy in Havana came to a consensus that the find-
10 ings were most likely related to neurotrauma from a
11 nonnatural source.

12 (4) A 2020 report by the National Academy of
13 Sciences found that “many of the distinctive and
14 acute signs, symptoms, and observations reported by
15 [affected] employees are consistent with the effects
16 of directed, pulsed radio frequency (RF) energy”
17 and that “directed pulsed RF energy [...] appears to
18 be the most plausible mechanism in explaining these
19 cases”.

20 (5) According to the National Academy of
21 Sciences report, “such a scenario raises grave con-
22 cerns about a world with disinhibited malevolent ac-
23 tors and new tools for causing harm to others”.

24 (6) The number and locations of these sus-
25 pected attacks have expanded and, according to

1 press reporting, there have been more than 130 pos-
2 sible cases that have been reported by United States
3 personnel in Asia, in Europe, and in the Western
4 Hemisphere, including within the United States.

5 (7) The continuing and expanding scope of
6 these suspected attacks is impacting the security
7 and morale of United States personnel, especially
8 those posted overseas.

9 (8) The Convention on the Prevention and Pun-
10 ishment of Crimes against Internationally Protected
11 Persons (including diplomatic agents) to which 180
12 countries are a party, protects diplomatic personnel
13 from attacks on their persons, accommodations, or
14 means of transport, and requires all state parties to
15 punish and take measures to prevent such grave
16 crimes.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) the threat to United States Government
20 personnel from suspected attacks presenting as
21 anomalous health incidents is a matter of urgent
22 concern and deserving of the full attention of gov-
23 ernment;

24 (2) personnel, dependents, and other appro-
25 priate individuals suffering anomalous health inci-

1 dents from these suspected attacks deserve equi-
2 table, accessible, and high-quality medical assess-
3 ment and care, regardless of their employing Gov-
4 ernment agency;

5 (3) diagnoses and determinations to treat per-
6 sonnel, dependents, and other appropriate individ-
7 uals experiencing symptoms consistent with such in-
8 juries should be made by experienced medical profes-
9 sionals and made available by the Federal Govern-
10 ment;

11 (4) any recriminations, retaliation, or punish-
12 ment associated with personnel self-reporting symp-
13 toms is unacceptable and should be investigated by
14 internal agency oversight mechanisms;

15 (5) information sharing and interagency coordi-
16 nation is essential for the comprehensive investiga-
17 tion, attribution, and mitigation of these injuries;

18 (6) the Administration should provide Congress
19 and the public with timely and regular unclassified
20 updates on the threat posed to United States Gov-
21 ernment personnel by the suspected causes of these
22 injuries;

23 (7) recent efforts by the Administration and
24 among relevant agencies represent positive steps to-
25 ward responding to the threat of anomalous health

1 incidents, but more comprehensive measures must be
2 taken to further assist victims, investigate and de-
3 termine the cause of the injuries of such victims,
4 and prevent future incidents;

5 (8) establishing the source and cause of these
6 anomalous health incidents must be a top priority
7 for the United States Government and requires the
8 full coordination of relevant agencies;

9 (9) if investigations determine that the anoma-
10 lous health incidents are the result of deliberate acts
11 by individuals, entities, or foreign countries, the
12 United States Government should recognize and re-
13 spond to these incidents as hostile attacks; and

14 (10) any actors found to have been targeting
15 United States Government personnel should be pub-
16 licly identified, as appropriate, and held accountable.

17 (c) STATEMENT OF POLICY.—It is the policy of the
18 United States—

19 (1) to detect, deter, and punish any clandestine
20 attacks that cause persistent injuries to United
21 States personnel;

22 (2) to provide appropriate assistance to United
23 States personnel harmed by such attacks;

24 (3) to hold responsible any persons, entities, or
25 governments involved in ordering or carrying out

1 such attacks, including through appropriate sanc-
2 tions, criminal prosecutions, or other tools;

3 (4) to prioritize research into effective counter-
4 measures to help protect United States personnel
5 from such attacks; and

6 (5) to convey to foreign governments through
7 official contact at the highest levels the gravity of
8 United States concern about such suspected attacks
9 and the seriousness of consequences that may follow
10 for any actors found to be involved.

11 (d) ANOMALOUS HEALTH INCIDENTS INTERAGENCY
12 COORDINATOR.—

13 (1) DESIGNATION.—Not later than 30 days
14 after the date of the enactment of this section, the
15 President shall designate—

16 (A) an appropriate senior official to be
17 known as the Anomalous Health Incidents
18 Interagency Coordinator; and

19 (B) an appropriate senior official in the
20 White House Office of Science and Technology
21 Policy to be known as the Deputy Anomalous
22 Health Incidents Interagency Coordinator.

23 (2) DUTIES.—The Interagency Coordinator
24 shall work through the President's designated Na-
25 tional Security process—

1 (A) to coordinate the response of the
2 United States Government to anomalous health
3 incidents;

4 (B) to coordinate among relevant agencies
5 to ensure equitable and timely access to assess-
6 ment and care for affected personnel, depend-
7 ents, and other appropriate individuals;

8 (C) to ensure adequate training and edu-
9 cation for United States Government personnel;

10 (D) to ensure that information regarding
11 anomalous health incidents is efficiently shared
12 across relevant agencies in a manner that pro-
13 vides appropriate protections for classified, sen-
14 sitive, and personal information;

15 (E) to coordinate through the White House
16 Office of Science and Technology Policy, and
17 across the science and technology enterprise of
18 the Government, the technological and research
19 efforts of the Government to address suspected
20 attacks presenting as anomalous health inci-
21 dents; and

22 (F) to develop policy options to prevent,
23 mitigate, and deter suspected attacks pre-
24 senting as anomalous health incidents.

1 (3) DESIGNATION OF AGENCY COORDINATION
2 LEADS.—

3 (A) IN GENERAL.—The head of each rel-
4 evant agency shall designate a Senate-confirmed
5 or other appropriate senior official, who shall—

6 (i) serve as the Anomalous Health In-
7 cident Agency Coordination Lead for the
8 relevant agency;

9 (ii) report directly to the head of the
10 relevant agency regarding activities carried
11 out under this section;

12 (iii) perform functions specific to the
13 relevant agency, consistent with the direc-
14 tives of the Interagency Coordinator and
15 the established interagency process;

16 (iv) participate in interagency brief-
17 ings to Congress regarding the response of
18 the United States Government to anoma-
19 lous health incidents; and

20 (v) represent the relevant agency in
21 meetings convened by the Interagency Co-
22 ordinator.

23 (B) DELEGATION PROHIBITED.—An Agen-
24 cy Coordination Lead may not delegate the re-

1 responsibilities described in clauses (i) through
2 (iii) of subparagraph (A).

3 (4) SECURE REPORTING MECHANISMS.—Not
4 later than 90 days after the date of the enactment
5 of this section, the Interagency Coordinator shall—

6 (A) ensure that each relevant agency devel-
7 ops a process to provide a secure mechanism
8 for personnel, their dependents, and other ap-
9 propriate individuals to self-report any sus-
10 pected exposure that could be an anomalous
11 health incident;

12 (B) ensure that each relevant agency
13 shares all relevant data in a timely manner with
14 the Office of the Director of National Intel-
15 ligence, and other relevant agencies, through
16 existing processes coordinated by the Inter-
17 agency Coordinator; and

18 (C) in establishing the mechanism de-
19 scribed in subparagraph (A), prioritize secure
20 information collection and handling processes to
21 protect classified, sensitive, and personal infor-
22 mation.

23 (5) BRIEFINGS.—

24 (A) IN GENERAL.—Not later than 60 days
25 after the date of the enactment of this section,

1 and quarterly thereafter for the following two
2 years, the Interagency Coordinator, the Deputy
3 Coordinator, and the Agency Coordination
4 Leads shall jointly provide a briefing to the ap-
5 propriate national security committees regard-
6 ing progress in carrying out the duties under
7 paragraph (2), including the requirements
8 under subparagraph (B).

9 (B) ELEMENTS.—The briefings required
10 under subparagraph (A) shall include—

11 (i) an update on the investigation into
12 anomalous health incidents impacting
13 United States Government personnel and
14 their family members, including technical
15 causation and suspected perpetrators;

16 (ii) an update on new or persistent in-
17 cidents;

18 (iii) threat prevention and mitigation
19 efforts to include personnel training;

20 (iv) changes to operating posture due
21 to anomalous health threats;

22 (v) an update on diagnosis and treat-
23 ment efforts for affected individuals, in-
24 cluding patient numbers and wait times to
25 access care;

1 (vi) efforts to improve and encourage
2 reporting of incidents;

3 (vii) detailed roles and responsibilities
4 of Agency Coordination Leads;

5 (viii) information regarding additional
6 authorities or resources needed to support
7 the interagency response; and

8 (ix) other matters that the Inter-
9 agency Coordinator or the Agency Coordi-
10 nation Leads consider appropriate.

11 (C) UNCLASSIFIED BRIEFING SUMMARY.—

12 The Agency Coordination Leads shall provide a
13 coordinated, unclassified summary of the brief-
14 ings to Congress, which shall include as much
15 information as practicable without revealing
16 classified information or information that is
17 likely to identify an individual.

18 (6) RETENTION OF AUTHORITY.—The appoint-
19 ment of the Interagency Coordinator shall not de-
20 prive any Federal agency of any authority to inde-
21 pendently perform its authorized functions.

22 (7) RULE OF CONSTRUCTION.—Nothing in this
23 section may be construed to limit—

24 (A) the President’s authority under article
25 II of the United States Constitution; or

1 (B) the provision of health care and bene-
2 fits to afflicted individuals, consistent with ex-
3 isting laws.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary of State
6 \$5,000,000 for fiscal year 2022 to be used—

7 (1) to increase capacity and staffing for the
8 Health Incident Response Task Force of the Depart-
9 ment of State;

10 (2) to support the development and implemen-
11 tation of efforts by the Department of State to pre-
12 vent and mitigate anomalous health incidents affect-
13 ing its workforce;

14 (3) to investigate and characterize the cause of
15 anomalous health incidents, including investigations
16 of causation and attribution;

17 (4) to collect and analyze data related to anom-
18 alous health incidents;

19 (5) to coordinate with other relevant agencies
20 and the National Security Council regarding anoma-
21 lous health incidents; and

22 (6) to support other activities to understand,
23 prevent, deter, and respond to suspected attacks pre-
24 senting as anomalous health incidents, at the discre-
25 tion of the Secretary of State.

1 (f) DEVELOPMENT AND DISSEMINATION OF WORK-
2 FORCE GUIDANCE.—The President shall direct relevant
3 agencies to develop and disseminate to employees who are
4 at risk of exposure to anomalous health incidents, not later
5 than 90 days after the date of the enactment of this sec-
6 tion, updated workforce guidance to report, mitigate, and
7 address suspected attacks presenting as anomalous health
8 incidents.

9 (g) DEFINITIONS.—In this section:

10 (1) The term “Agency Coordination Lead”
11 means a senior official designated by the head of a
12 relevant agency to serve as the Anomalous Health
13 Incident Agency Coordination Lead for such agency.

14 (2) The term “appropriate national security
15 committees” means—

16 (A) the Committee on Armed Services of
17 the Senate;

18 (B) the Committee on Foreign Relations of
19 the Senate;

20 (C) the Select Committee on Intelligence of
21 the Senate;

22 (D) the Committee on Homeland Security
23 and Governmental Affairs of the Senate;

24 (E) the Committee on the Judiciary of the
25 Senate;

1 (F) the Committee on Armed Services of
2 the House of Representatives;

3 (G) the Committee on Foreign Affairs of
4 the House of Representatives;

5 (H) the Permanent Select Committee on
6 Intelligence of the House of Representatives;

7 (I) the Committee on Homeland Security
8 of the House of Representatives; and

9 (J) the Committee on the Judiciary of the
10 House of Representatives.

11 (3) The term “Deputy Coordinator” means the
12 Deputy Anomalous Health Incidents Interagency
13 Coordinator in the White House Office of Science
14 and Technology Policy designated pursuant to sub-
15 section (d)(1).

16 (4) The term “Interagency Coordinator” means
17 the Anomalous Health Incidents Interagency Coordi-
18 nator designated pursuant to subsection (d)(1).

19 (5) The term “relevant agencies” means—

20 (A) the Department of Defense;

21 (B) the Department of State;

22 (C) the Office of the Director of National
23 Intelligence;

24 (D) the Central Intelligence Agency;

25 (E) the Department of Justice;

1 (F) the Department of Homeland Security;
2 and
3 (G) other agencies and bodies designated
4 by the Interagency Coordinator.

5 **TITLE XI—CIVILIAN PERSONNEL**
6 **MATTERS**

7 **Subtitle A—Matters Relating to**
8 **Civilian Personnel**

9 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
10 **ANNUAL LIMITATION ON PREMIUM PAY AND**
11 **AGGREGATE LIMITATION ON PAY FOR FED-**
12 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
13 **SEAS.**

14 Subsection (a) of section 1101 of the Duncan Hunter
15 National Defense Authorization Act for Fiscal Year 2009
16 (Public Law 110–417; 122 Stat. 4615), as most recently
17 amended by section 1105 of the William M. (Mac) Thorn-
18 berry National Defense Authorization Act for Fiscal Year
19 2021 (Public Law 116–283), is further amended by strik-
20 ing “through 2021” and inserting “through 2022”.

1 **SEC. 1102. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
2 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
3 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
4 **FICIAL DUTY IN A COMBAT ZONE.**

5 Paragraph (2) of section 1603(a) of the Emergency
6 Supplemental Appropriations Act for Defense, the Global
7 War on Terror, and Hurricane Recovery, 2006 (Public
8 Law 109–234; 120 Stat. 443), as added by section 1102
9 of the Duncan Hunter National Defense Authorization
10 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
11 4616) and as most recently amended by section 1106 of
12 the of the William M. (Mac) Thornberry National Defense
13 Authorization Act for Fiscal Year 2021 (Public Law 116–
14 283), is further amended by striking “2022” and inserting
15 “2023”.

16 **SEC. 1103. DARPA PERSONNEL MANAGEMENT AUTHORITY**
17 **TO ATTRACT SCIENCE AND ENGINEERING EX-**
18 **PERTS.**

19 Section 1599h(b) of title 10, United States Code, is
20 amended—

21 (1) in paragraph (2)(B), by striking “and” at
22 the end;

23 (2) in paragraph (3), by striking the period and
24 inserting “; and”; and

25 (3) by adding at the end the following:

1 “(4) during any fiscal year, pay up to 15 indi-
2 viduals newly appointed pursuant to paragraph
3 (1)(B) the travel, transportation, and relocation ex-
4 penses and services described under sections 5724,
5 5724a, and 5724c of title 5.”.

6 **SEC. 1104. CIVILIAN PERSONNEL MANAGEMENT.**

7 Section 129(a) of title 10, United States Code, is
8 amended—

9 (1) in the first sentence, by striking “primarily”
10 and inserting “solely”;

11 (2) in the second sentence, by striking “solely”;
12 and

13 (3) by inserting after the second sentence the
14 following: “Funds appropriated to the Department
15 of Defense may not be obligated or expended for
16 term or temporary hiring authorities for enduring
17 functions.”.

18 **SEC. 1105. COMPTROLLER GENERAL REVIEW OF NAVAL**
19 **AUDIT SERVICE OPERATIONS.**

20 (a) **COMPTROLLER GENERAL REPORT.**—Not later
21 than one year after the date of enactment of this Act, the
22 Comptroller General of the United States shall submit to
23 congressional defense committees a report on the oper-
24 ations of the Naval Audit Service. Such report shall in-
25 clude—

1 (1) a description of current and historical budg-
2 etary resources and authorized full-time employees
3 provided to and utilized by the Naval Audit Service,
4 as well as of any planned or anticipated changes to
5 the Naval Audit Service's level of resources or staff;

6 (2) information on the workload of the Naval
7 Audit Service and where it devotes its resources;

8 (3) an assessment of the audit policies of the
9 Naval Audit Service, how it determines where to de-
10 vote resources, and its level of independence when
11 performing audits and reporting audit results; and

12 (4) an assessment of the potential impacts of
13 any planned or anticipated changes to the Naval
14 Audit Service's level of resources or staff.

15 (b) LIMITATION.—During the period beginning on
16 the date of enactment of this Act and ending on the date
17 that is 180 days after the date on which the report under
18 subsection (a) is submitted to the congressional defense
19 committees—

20 (1) no individual may assign, transfer, transi-
21 tion, merge, consolidate, or eliminate any function,
22 responsibility, authority, service, system, or program
23 that was carried out by the Naval Audit Service as
24 of January 1, 2021, to an entity other than the
25 Naval Audit Service; and

1 (2) the number of full-time employees author-
2 ized for the Naval Audit Service may not be reduced
3 below the total that is 10 percent less than the num-
4 ber that was authorized as of January 1, 2021.

5 (c) SECRETARY OF THE NAVY REPORT.—Not later
6 than the date that is 90 days after the date the report
7 under subsection (a) is submitted to the congressional de-
8 fense committees, the Secretary of the Navy shall submit
9 to the congressional defense committees a report, includ-
10 ing—

11 (1) the Navy’s assessment of the findings and
12 recommendations of the Comptroller General in re-
13 gard to the Naval Audit Service, including the
14 Navy’s plans to implement the Comptroller General’s
15 recommendations;

16 (2) any reports or studies completed since 2018
17 by the Navy or outside entities, including federally
18 funded research and development centers, into the
19 operations of the Naval Audit Service, and the
20 Navy’s response to the findings and recommenda-
21 tions of such reports; and

22 (3) the Secretary’s plans for any changes to the
23 activities, resources, staffing, authorities, respon-
24 sibilities, and mission of the Naval Audit Service.

1 **SEC. 1106. IMPLEMENTATION OF GAO RECOMMENDATIONS**
2 **ON TRACKING, RESPONSE, AND TRAINING**
3 **FOR CIVILIAN EMPLOYEES OF THE DEPART-**
4 **MENT OF DEFENSE REGARDING SEXUAL HAR-**
5 **ASSMENT AND ASSAULT.**

6 (a) PLAN REQUIRED.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall develop a plan to address the recommendations
9 in the report of the U.S. Government Accountability
10 Office titled “Sexual Harassment and Assault: Guid-
11 ance Needed to Ensure Consistent Tracking, Re-
12 sponse, and Training for DOD Civilians” (GAO–21–
13 113).

14 (2) ELEMENTS.—The plan required under
15 paragraph (1) shall, with respect to each rec-
16 ommendation in the report described in paragraph
17 (1) that the Secretary has implemented or intends to
18 implement, include—

19 (A) a summary of actions that have been
20 or will be taken to implement the recommenda-
21 tion; and

22 (B) a schedule, with specific milestones,
23 for completing implementation of the rec-
24 ommendation.

25 (b) SUBMISSION TO CONGRESSIONAL DEFENSE COM-
26 MITTEES.—Not later than one year after the date of the

1 enactment of this Act, the Secretary shall submit to the
2 congressional defense committees the plan required under
3 subsection (a).

4 (c) DEADLINE FOR IMPLEMENTATION.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), not later than 18 months after the date
7 of the enactment of this Act, the Secretary shall
8 carry out activities to implement the plan developed
9 under subsection (a).

10 (2) REPORT ON PLAN.—Not later than one year
11 after the date on which the Secretary begins to im-
12 plement the plan developed under subsection (a), the
13 Secretary shall submit to the congressional defense
14 committees a report on the results of such plan.

15 (3) EXCEPTION FOR IMPLEMENTATION OF CER-
16 TAIN RECOMMENDATIONS.—

17 (A) DELAYED IMPLEMENTATION.—The
18 Secretary may initiate implementation of a rec-
19 ommendation in the report described in sub-
20 section (a)(1) after the date specified in para-
21 graph (1) if the Secretary provides the congres-
22 sional defense committees with a specific jus-
23 tification for the delay in implementation of
24 such recommendation on or before such date.

1 (B) NONIMPLEMENTATION.—The Sec-
2 retary may decide not to implement a rec-
3 ommendation in the report described in sub-
4 section (a)(1) if the Secretary provides to the
5 congressional defense committees, on or before
6 the date specified in paragraph (1)—

7 (i) a specific justification for the deci-
8 sion not to implement the recommendation;
9 and

10 (ii) a summary of alternative actions
11 the Secretary plans to take to address the
12 conditions underlying the recommendation.

13 **SEC. 1107. GUIDELINES FOR REDUCTIONS IN CIVILIAN PO-**
14 **SITIONS.**

15 Subsection (e) of section 1597 of title 10, United
16 States Code, is amended—

17 (1) in the subsection heading, by striking “RE-
18 Ductions BASED PRIMARILY ON PERFORMANCE”
19 and inserting “REDUCTIONS BASED PRIMARILY ON
20 SENIORITY AND VETERANS PREFERENCE”; and

21 (2) by striking “primarily on the basis of per-
22 formance, as determined under any applicable per-
23 formance management system” and inserting “fol-
24 lowing the order of retention prescribed in section
25 3502 of title 5”.

1 **SEC. 1108. REPEAL OF 2-YEAR PROBATIONARY PERIOD.**

2 (a) REPEAL.—

3 (1) IN GENERAL.—Section 1599e of title 10,
4 United States Code, is repealed.

5 (2) APPLICATION.—The modification of proba-
6 tionary periods for covered employees (as that term
7 is defined in such section 1599e as in effect on the
8 date immediately preceding the date of enactment of
9 this Act) by operation of the amendment made by
10 paragraph (1) shall only apply to an individual ap-
11 pointed as such an employee on or after such date
12 of enactment.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) TITLE 10.—The table of sections for chap-
15 ter 81 of title 10, United States Code, is amended
16 by striking the item relating to section 1599e.

17 (2) TITLE 5.—Title 5, United States Code, is
18 amended—

19 (A) in section 3321(c), by striking “, or
20 any individual covered by section 1599e of title
21 10”;

22 (B) in section 3393(d), by striking the sec-
23 ond sentence;

24 (C) in section 7501(1), by striking “, ex-
25 cept as provided in section 1599e of title 10”;

1 (D) in section 7511(a)(1)(A)(ii), by strik-
2 ing “except as provided in section 1599e of title
3 10,”; and

4 (E) in section 7541(1)(A), by striking “or
5 section 1599e of title 10”.

6 **SEC. 1109. AMENDMENT TO DIVERSITY AND INCLUSION RE-**
7 **PORTING.**

8 Section 113 of title 10, United States Code, as
9 amended by section 551 of the National Defense Author-
10 ization Act for Fiscal Year 2021 (Public Law 116–283),
11 is amended—

12 (1) in subsection (c)(2), by inserting “of mem-
13 bers and civilian employees” after “inclusion”;

14 (2) in subsection (l)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A), by striking “;
17 and” and inserting a semicolon;

18 (ii) by redesignating subparagraph
19 (B) as subparagraph (C); and

20 (iii) by inserting after subparagraph
21 (A) the following new subparagraph (B):

22 “(B) efforts to reflect, across the civilian work-
23 force of the Department and of each armed force,
24 the diversity of the population of the United States;
25 and”;

1 (B) in paragraph (2)(B), by inserting “and
2 civilian employees of the Department” after
3 “members of the armed forces”; and
4 (3) in subsection (m)—

5 (A) by redesignating paragraph (7) as
6 paragraph (8); and

7 (B) by inserting after paragraph (6) the
8 following new paragraph (7):

9 “(7) The number of civilian employees of the
10 Department, disaggregated by military department,
11 gender, race, and ethnicity—

12 “(A) in each grade of the General Sched-
13 ule;

14 “(B) in each grade of the Senior Executive
15 Service;

16 “(C) paid at levels above grade GS-15 of
17 the General Schedule but who are not members
18 of the Senior Executive Service;

19 “(D) paid under the Federal Wage Sys-
20 tem, and

21 “(E) paid under alternative pay systems.”.

1 **SEC. 1110. INCLUDING ACTIVE DUTY IN THE ARMED**
2 **FORCES IN MEETING SERVICE REQUIRE-**
3 **MENT FOR FEDERAL EMPLOYEE FAMILY AND**
4 **MEDICAL LEAVE.**

5 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
6 Section 101(2) of the Family and Medical Leave Act of
7 1993 (29 U.S.C. 2611(2)) is amended by adding at the
8 end the following:

9 “(F) ACTIVE DUTY AS MEMBER OF ARMED
10 FORCES.—For the purposes of determining
11 whether an individual who is a Federal officer
12 or employee (not including a Federal officer or
13 employee excluded under paragraph (2)(B)(i))
14 meets the service requirements specified in sub-
15 paragraph (A), the individual will be considered
16 to meet those requirements if the individual—

17 “(i) served on active duty as a mem-
18 ber of the armed forces for at least one
19 year; and

20 “(ii) whose separation from the armed
21 forces is characterized as honorable by the
22 Secretary concerned.”.

23 (b) TITLE 5.—Section 6381(1)(B) of title 5, United
24 States Code, is amended to read as follows:

25 “(B)(i) has completed at least 12 months
26 of service as an employee (as defined in section

1 2105) of the Government of the United States,
2 including service with the United States Postal
3 Service, the Postal Regulatory Commission, and
4 a nonappropriated fund instrumentality as de-
5 scribed in section 2105(c); or

6 “(ii)(I) served on active duty as a member
7 of the armed forces for at least one year; and

8 “(II) whose separation from the armed
9 forces is characterized as honorable by the Sec-
10 retary concerned;”.

11 **SEC. 1111. TREATMENT OF HOURS WORKED UNDER A**
12 **QUALIFIED TRADE-OF-TIME ARRANGEMENT.**

13 Section 5542 of title 5, United States Code, is
14 amended by adding at the end the following:

15 “(h)(1) Notwithstanding any other provision of this
16 section, any hours worked by a firefighter under a quali-
17 fied trade-of-time arrangement shall be disregarded for
18 purposes of any determination relating to eligibility for,
19 or the amount of, any overtime pay under this section.

20 “(2) For purposes of this subsection—

21 “(A) the term ‘qualified trade-of-time arrange-
22 ment’ means an arrangement under which 2 fire-
23 fighters who are employed by the same agency
24 agree, solely at their option and with the approval
25 of their employing agency, to substitute for one an-

1 other during scheduled work hours in the perform-
2 ance of work in the same capacity; and

3 “(B) the term ‘firefighter’ means a firefighter
4 as defined by section 8331(21) or 8401(14).”.

5 **SEC. 1112. MODIFICATION OF TEMPORARY AUTHORITY TO**
6 **APPOINT RETIRED MEMBERS OF THE ARMED**
7 **FORCES TO POSITIONS IN THE DEPARTMENT**
8 **OF DEFENSE.**

9 Section 1108(b) of the William M. (Mac) Thornberry
10 National Defense Authorization Act for Fiscal Year 2021
11 (Public Law 116–283) is amended to read as follows:

12 “(b) POSITIONS.—The positions in the Department
13 described in this subsection are positions in the competi-
14 tive service—

15 “(1) at any defense industrial base facility (as
16 that term is defined in section 2208(u)(3) of title
17 10, United States Code) that is part of the core lo-
18 gistics capabilities (as described in section 2464(a)
19 of such title); or

20 “(2) at any Major Range and Test Facility
21 Base (as that term is defined in section 196(i) of
22 such title).”.

1 **SEC. 1113. INCREASE IN ALLOWANCE BASED ON DUTY AT**
2 **REMOTE WORKSITES.**

3 (a) **ASSESSMENT AND RATE.**—Not later than March
4 31, 2022, the Director of the Office of Personnel Manage-
5 ment shall complete an assessment of the remote site pay
6 allowance under section 5942 of title 5, United States
7 Code, and propose a new rate of such allowance, adjusted
8 for inflation, and submit such assessment and rate to the
9 President and to Congress.

10 (b) **APPLICATION.**—Beginning on the first day of the
11 first pay period beginning after the date the Director sub-
12 mits the assessment and rate under subsection (a), such
13 rate shall, notwithstanding subsection (a) of such section
14 5942, be the rate of such allowance.

15 **SEC. 1114. LIMITING THE NUMBER OF LOCAL WAGE AREAS**
16 **DEFINED WITHIN A PAY LOCALITY.**

17 (a) **LOCAL WAGE AREA LIMITATION.**—Section
18 5343(a) of title 5, United States Code, is amended—

19 (1) in paragraph (1)(B)(i), by striking “(but
20 such” and all that follows through “are employed”);

21 (2) in paragraph (4), by striking “and” after
22 the semicolon;

23 (3) in paragraph (5), by striking the period at
24 the end and inserting “; and”; and

25 (4) by adding at the end of the following:

1 “(6) the Office of Personnel Management may
2 define not more than one local wage area within a
3 pay locality, except that this paragraph shall not
4 apply to the pay locality designated as ‘Rest of
5 United States’.”.

6 (b) PAY LOCALITY DEFINED.—Section 5342(a) of
7 title 5, United States Code, is amended—

8 (1) in paragraph (2)(C), by striking “and” at
9 the end;

10 (2) in paragraph (3), by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(4) ‘pay locality’ has the meaning given that
14 term under section 5302(5).”.

15 (c) REGULATIONS.—The Director of the Office of
16 Personnel Management shall prescribe any regulations
17 necessary to carry out this section and the amendments
18 made by this section, including regulations to ensure that
19 this section and the amendments made by this section
20 shall not have the effect of reducing any rate of basic pay
21 payable to any individual who is serving as a prevailing
22 rate employee (as defined under section 5342(a)(2) of title
23 5, United States Code).

1 (d) EFFECTIVE DATE.—This section and the amend-
 2 ments made by this section shall apply with respect to fis-
 3 cal year 2022 and each fiscal year thereafter.

4 **SEC. 1115. NATIONAL DIGITAL RESERVE CORPS.**

5 (a) IN GENERAL.—Subpart I of part III of title 5,
 6 United States Code, is amended by adding at the end the
 7 following new chapter:

8 **“CHAPTER 103—NATIONAL DIGITAL**
 9 **RESERVE CORPS**

“Sec. 10301. Definitions.

“Sec. 10302. Establishment.

“Sec. 10303. Organization.

“Sec. 10304. Assignments.

“Sec. 10305. Reservist continuing education.

“Sec. 10306. Congressional reports.

10 **“SEC. 10301. DEFINITIONS.**

11 “In this chapter:

12 “(1) ACTIVE RESERVIST.—The term ‘active re-
 13 servist’ means a reservist holding a position to which
 14 such reservist has been appointed under section
 15 10303(c)(2).

16 “(2) ADMINISTRATOR.—The term ‘Adminis-
 17 trator’ means the Administrator of the General
 18 Services Administration.

19 “(3) INACTIVE RESERVIST.—The term ‘inactive
 20 reservist’ means a reservist who is not serving in an
 21 appointment under section 10303(c)(2).

1 “(4) PROGRAM.—The term ‘Program’ means
2 the program established under section 10302(a).

3 “(5) RESERVIST.—The term ‘reservist’ means
4 an individual who is a member of the National Dig-
5 ital Reserve Corps.

6 **“SEC. 10302. ESTABLISHMENT.**

7 “(a) ESTABLISHMENT.—There is established in the
8 General Services Administration a program to establish,
9 manage, and assign a reserve of individuals with relevant
10 skills and credentials, to be known as the ‘National Digital
11 Reserve Corps’, to help address the digital and cybersecu-
12 rity needs of Executive agencies.

13 “(b) IMPLEMENTATION.—

14 “(1) GUIDANCE.—Not later than six months
15 after the date of the enactment of this section, the
16 Administrator shall issue guidance for the National
17 Digital Reserve Corps, which shall include proce-
18 dures for coordinating with Executive agencies to—

19 “(A) identify digital and cybersecurity
20 needs which may be addressed by the National
21 Digital Reserve Corps; and

22 “(B) assign active reservists to address
23 such needs.

24 “(2) RECRUITMENT AND INITIAL ASSIGN-
25 MENTS.—Not later than one year after the date of

1 the enactment of this section, the Administrator
2 shall begin recruiting reservists and assigning active
3 reservists under the Program.

4 **“SEC. 10303. ORGANIZATION.**

5 “(a) ADMINISTRATION.—

6 “(1) IN GENERAL.—The National Digital Re-
7 serve Corps shall be administered by the Adminis-
8 trator.

9 “(2) RESPONSIBILITIES.—In carrying out the
10 Program, the Administrator shall—

11 “(A) establish standards for serving as a
12 reservist, including educational attainment, pro-
13 fessional qualifications, and background checks;

14 “(B) ensure the standards established
15 under subparagraph (A) are met;

16 “(C) recruit individuals to the National
17 Digital Reserve Corps;

18 “(D) activate and deactivate reservists as
19 necessary;

20 “(E) coordinate with Executive agencies
21 to—

22 “(i) determine the digital and cyberse-
23 curity needs which reservists shall be as-
24 signed to address;

1 “(ii) ensure reservists have access, re-
2 sources, and equipment required to address
3 digital and cybersecurity needs which such
4 reservists are assigned to address; and

5 “(iii) analyze potential assignments
6 for reservists to determine outcomes, de-
7 velop anticipated assignment timelines, and
8 identify Executive agency partners;

9 “(F) ensure reservists acquire and main-
10 tain appropriate suitability and security eligi-
11 bility and access; and

12 “(G) determine what additional resources,
13 if any, are required to successfully implement
14 the Program.

15 “(b) NATIONAL DIGITAL RESERVE CORPS PARTICI-
16 PATION.—

17 “(1) SERVICE OBLIGATION AGREEMENT.—

18 “(A) IN GENERAL.—An individual may be-
19 come a reservist only if such individual enters
20 into a written agreement with the Adminis-
21 trator to become a reservist.

22 “(B) CONTENTS.—The agreement under
23 subparagraph (A) shall—

24 “(i) require the individual seeking to
25 become a reservist to serve as a reservist

1 for a three-year period, during which such
2 individual shall serve not less than 30 days
3 per year as an active reservist; and

4 “(ii) set forth all other the rights and
5 obligations of the individual and the Gen-
6 eral Services Administration.

7 “(2) EMPLOYEE STATUS AND COMPENSA-
8 TION.—

9 “(A) EMPLOYEE STATUS.—An inactive re-
10 servist shall not be considered to be a Federal
11 employee for any purpose solely on the basis of
12 being a reservist.

13 “(B) COMPENSATION.—The Administrator
14 shall determine the appropriate compensation
15 for service as an active reservist, except that
16 the maximum rate of pay may not exceed the
17 maximum rate of basic pay payable for GS-15
18 (including any applicable locality-based com-
19 parability payment under section 5304 or simi-
20 lar provision of law).

21 “(3) USERRA EMPLOYMENT AND REEMPLOY-
22 MENT RIGHTS.—

23 “(A) IN GENERAL.—The protections,
24 rights, benefits, and obligations provided under
25 chapter 43 of title 38 shall apply to active re-

1 servists of the National Reserve Digital Corps
2 appointed pursuant to paragraph (2) of sub-
3 section (c) of section 10303 of this chapter to
4 perform service to the General Services Admin-
5 istration under section 10304 of this chapter,
6 or to train for such service under section 10305
7 of this chapter.

8 “(B) NOTICE OF ABSENCE FROM POSITION
9 OF EMPLOYMENT.—Preclusion of giving notice
10 of service by necessity of service under para-
11 graph (2) of subsection (c) of section 10303 of
12 this chapter to perform service to the General
13 Services Administration under section 10304 of
14 this chapter, or to train for such service under
15 section 10305 of this chapter, shall be deemed
16 preclusion by “military necessity” for purposes
17 of section 4312(b) of title 38 pertaining to giv-
18 ing notice of absence from a position of employ-
19 ment. A determination of such necessity shall
20 be made by the Administrator and shall not be
21 subject to review in any judicial or administra-
22 tive proceeding.

23 “(4) PENALTIES.—

24 “(A) IN GENERAL.—A reservist that fails
25 to accept an appointment under subsection

1 (c)(2) or fails to carry out the duties assigned
2 to reservist under such an appointment shall,
3 after notice and an opportunity to be heard—

4 “(i) cease to be a reservist; and

5 “(ii) be fined an amount equal to the
6 amounts, if any, paid under section 10305
7 with respect to training expenses for such
8 reservist.

9 “(B) EXCEPTION.—With respect to a fail-
10 ure of a reservist to accept an appointment
11 under subsection (c)(2) or to carry out the du-
12 ties assigned to the reservist under such an ap-
13 pointment—

14 “(i) subparagraph (A) shall not apply
15 if the failure was due to the continuation,
16 recurrence, or onset of a serious health
17 condition or any other circumstance be-
18 yond the control of the reservist; and

19 “(ii) the Administrator may waive the
20 application of subparagraph (A), in whole
21 or in part, if the Administrator determines
22 that applying subparagraph (A) with re-
23 spect to the failure would be against equity
24 and good conscience and not in the best in-
25 terest of the United States.

1 “(c) HIRING AUTHORITY.—

2 “(1) CORPS LEADERSHIP.—The Administrator
3 may appoint qualified candidates to positions in the
4 competitive service in the General Service Adminis-
5 tration for which the primary duties are related to
6 the management or administration of the National
7 Digital Reserve Corps, as determined by the Admin-
8 istrator.

9 “(2) CORPS RESERVISTS.—

10 “(A) IN GENERAL.—The Administrator
11 may appoint, without regard to the provisions
12 of subchapter I of chapter 33 (other than sec-
13 tions 3303 and 3328), qualified reservists to
14 temporary positions in the competitive service
15 for the purpose of assigning such reservists
16 under section 10304 and to otherwise carry out
17 the National Digital Reserve Corps.

18 “(B) APPOINTMENT LIMITS.—

19 “(i) IN GENERAL.—The Administrator
20 may not appoint an individual under this
21 paragraph if, during the 365-day period
22 ending on the date of such appointment,
23 such individual has been an officer or em-
24 ployee of the executive or legislative branch
25 of the United States Government or of any

1 independent agency of the United States
2 130 or more days.

3 “(ii) AUTOMATIC APPOINTMENT TER-
4 MINATION.—The appointment of an indi-
5 vidual under this paragraph shall termi-
6 nate upon such individual being employed
7 as an officer or employee of the executive
8 or legislative branch of the United States
9 Government or of any independent agency
10 of the United States for 130 days during
11 the previous 365 days.

12 “(C) EMPLOYEE STATUS.—An individual
13 appointed under this paragraph shall be consid-
14 ered a special Government employee (as such
15 term is defined in section 202(a) of title 18).

16 “(D) ADDITIONAL EMPLOYEES.—Individ-
17 uals appointed under this paragraph shall be in
18 addition to any employees of the General Serv-
19 ices Administration whose duties relate to the
20 digital or cybersecurity needs of the General
21 Services Administration.

22 **“SEC. 10304. ASSIGNMENTS.**

23 “(a) IN GENERAL.—The Administrator may assign
24 active reservists to address the digital and cybersecurity
25 needs of Executive agencies, including cybersecurity serv-

1 ices, digital education and training, data triage, acquisi-
2 tion assistance, guidance on digital projects, development
3 of technical solutions, and bridging public needs and pri-
4 vate sector capabilities.

5 “(b) ASSIGNMENT-SPECIFIC ACCESS, RESOURCES,
6 SUPPLIES, OR EQUIPMENT.—The head of an Executive
7 agency shall, to the extent practicable, provide each active
8 reservist assigned to address a digital or cybersecurity
9 need of such Executive agency under subsection (a) with
10 any specialized access, resources, supplies, or equipment
11 required to address such digital or cybersecurity need.

12 “(c) DURATION.—An assignment of an individual
13 under subsection (a) shall terminate on the earlier of—

14 “(1) the date determined by the Administrator;

15 “(2) the date on which the Administrator re-
16 ceives notification of the decision of the head of the
17 Executive agency, the digital or cybersecurity needs
18 of which such individual is assigned to address
19 under subsection (a), that such assignment should
20 terminate; or

21 “(3) the date on which the assigned individual
22 ceases to be an active reservist.

23 “(d) COMPLIANCE.—The Administrator shall ensure
24 that assignments under subsection (a) are consistent with

1 all applicable Federal ethics rules and Federal appropria-
2 tions laws.

3 **“SEC. 10305. RESERVIST CONTINUING EDUCATION.**

4 “(a) IN GENERAL.—Subject to the availability of ap-
5 propriations, the Administrator may pay for reservists to
6 acquire training and receive continuing education, includ-
7 ing attending conferences and seminars and obtaining cer-
8 tifications, that will enable reservists to more effectively
9 meet the digital and cybersecurity needs of Executive
10 agencies.

11 “(b) APPLICATION.—The Administrator shall estab-
12 lish a process for reservists to apply for the payment of
13 reasonable expenses related to the training or continuing
14 education described in subsection (a).

15 “(c) REPORT.—Not later than one year after the date
16 of the enactment of this section, and annually thereafter,
17 the Administrator shall submit to Congress a report on
18 the expenditures under this subsection.

19 **“SEC. 10306. CONGRESSIONAL REPORTS.**

20 “Not later than two years after the date of the enact-
21 ment of this section, and annually thereafter, the Adminis-
22 trator shall submit to Congress a report on the Program,
23 including—

24 “(1) the number of reservists;

1 “(2) a list of Executive agencies that have sub-
2 mitted requests for support from the National Dig-
3 ital Reserve Corps;

4 “(3) the nature and status of such requests;
5 and

6 “(4) with respect to each such request to which
7 active reservists have been assigned and for which
8 work by the National Digital Reserve Corps has con-
9 cluded, an evaluation of such work and the results
10 of such work by—

11 “(A) the Executive agency that submitted
12 the request; and

13 “(B) the reservists assigned to such re-
14 quest.”.

15 (b) CLERICAL AMENDMENT.—The table of chapters
16 for part III of title 5, United States Code, is amended
17 by inserting after the item related to chapter 102 the fol-
18 lowing new item:

“103. National Digital Reserve Corps10303”.

19 (c) CONFORMING AMENDMENTS.—

20 (1) SERVICE DEFINITIONS.—Section 4303 of
21 title 38, United States Code, is amended—

22 (A) in paragraph (13), by inserting “, a
23 period for which a person is absent from a posi-
24 tion of employment to perform service to the
25 General Services Administration as an active

1 reservist of the National Reserve Digital Corps
2 under section 10304 of Title 5, or inactive re-
3 servist training for such service under section
4 10305 of Title 5,” before “, and a period”; and

5 (B) in the second paragraph (16), by in-
6 serting “, active reservists of the National Re-
7 serve Digital Corps who are appointed into
8 General Services Administration service under
9 section 10303(c)(2) of Title 5, or inactive re-
10 servist training for such service under section
11 10305 of Title 5,” before “, and any other cat-
12 egory”.

13 (2) REEMPLOYMENT SERVICE NOTICE RE-
14 QUIREMENT.—Section 4312(b) of title 38, United
15 States Code, is amended by striking “A determina-
16 tion of military necessity” and all that follows and
17 inserting the following: “A determination of military
18 necessity for the purposes of this subsection—

19 “(1) shall be made—

20 “(A) except as provided under subpara-
21 graph (B), (C), or (D), pursuant to regulations
22 prescribed by the Secretary of Defense;

23 “(B) for persons performing service to the
24 Federal Emergency Management Agency under
25 section 327 of the Robert T. Stafford Disaster

1 Relief and Emergency Assistance Act (42
2 U.S.C. 5165f) and as intermittent personnel
3 under section 306(b)(1) of such Act, by the Ad-
4 ministrator of the Federal Emergency Manage-
5 ment Agency as described in sections 327(j)(2)
6 and 306(d)(2), respectively, of such Act;

7 “(C) for intermittent disaster-response ap-
8 pointees of the National Disaster Medical Sys-
9 tem, by the Secretary of Health and Human
10 Services as described in section 2812(d)(3)(B)
11 of the Public Health Service Act (42 U.S.C.
12 300hh–11(d)(3)(B)); and

13 “(D) for active reservists of the National
14 Reserve Digital Corps performing service to the
15 General Services Administration under section
16 10304 of title 5, or inactive reservist training
17 for such service under section 10305 of Title 5,
18 by the Administrator of the General Services
19 Administration as described in section
20 10303(b)(3)(B) of title 5; and

21 “(2) shall not be subject to judicial review.”.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated \$30,000,000, to remain
24 available until fiscal year 2023, to carry out the program

1 established under section 10302(a) of title 5, United
2 States Code, as added by this section.

3 **SEC. 1116. EXPANSION OF RATE OF OVERTIME PAY AU-**
4 **THORITY FOR DEPARTMENT OF THE NAVY**
5 **EMPLOYEES PERFORMING WORK OVERSEAS**
6 **ON NAVAL VESSELS.**

7 Section 5542(a)(6)(A) of title 5, United States Code,
8 is amended—

9 (1) by inserting “outside the United States”
10 after “temporary duty”;

11 (2) by striking “the nuclear aircraft carrier that
12 is forward deployed in Japan” and inserting “naval
13 vessels”; and

14 (3) by inserting “of 1938” after “Fair Labor
15 Standards Act”.

16 **SEC. 1117. ASSESSMENT OF ACCELERATED PROMOTION**
17 **PROGRAM SUSPENSION.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of the enactment of this Act, the Director of the Of-
20 fice of Personnel Management shall conduct an assess-
21 ment of the impacts resulting from the Navy’s suspension
22 in 2016 of the Accelerated Promotion Program (in this
23 section referred to as the “APP”). The Director may con-
24 sult with the Secretary of the Navy in carrying out such

1 assessment, but the Navy may not play any other role in
2 such assessment.

3 (b) ELEMENTS.—The assessment required under
4 subsection (a) shall include the following elements:

5 (1) An identification of the employees who were
6 hired at the four public shipyards between January
7 23, 2016, and December 22, 2016, covering the pe-
8 riod in which APP was suspended, and who would
9 have otherwise been eligible for APP had the pro-
10 gram been in effect at the time they were hired.

11 (2) An assessment for each employee identified
12 in paragraph (1) to determine the difference between
13 wages earned from the date of hire to the date on
14 which the wage data would be collected and the
15 wages which would have been earned during this
16 same period should that employee have participated
17 in APP from the date of hire and been promoted ac-
18 cording to the average promotion timeframe for par-
19 ticipants hired in the five-year period prior to the
20 suspension.

21 (3) An assessment for each employee identified
22 in paragraph (1) to determine at what grade and
23 step each effected employee would be at on October
24 1, 2020, had that employee been promoted according

1 to the average promotion timeframe for participants
2 hired in the five-year period prior to the suspension.

3 (4) An evaluation of existing authorities avail-
4 able to the Secretary to determine whether the Sec-
5 retary can take measures using those authorities to
6 provide the pay difference and corresponding inter-
7 est, at a rate of the federal short-term interest rate
8 plus 3 percent, to each effected employee identified
9 in paragraph (2) and directly promote the employee
10 to the grade and step identified in paragraph (3).

11 (c) REPORT.—The Director shall submit, to the con-
12 gressional defense committees, the Committee on Over-
13 sight and Reform of the House of Representatives, and
14 the Committee on Homeland Security and Governmental
15 Affairs of the Senate, a report on the results of the evalua-
16 tion by not later than 270 days after the date of enact-
17 ment of this Act, and shall provide interim briefings upon
18 request.

19 **SEC. 1118. EXTENSION OF AUTHORITY FOR TEMPORARY**
20 **PERSONNEL FLEXIBILITIES FOR DOMESTIC**
21 **DEFENSE INDUSTRIAL BASE FACILITIES AND**
22 **MAJOR RANGE AND TEST FACILITIES BASE**
23 **CIVILIAN PERSONNEL.**

24 Section 1132 of the National Defense Authorization
25 Act for Fiscal Year 2017 (Public Law 114– 328; 130 Stat.

1 2457), as amended by section 1107 of the National De-
2 fense Authorization Act for Fiscal Year 2018 (Public Law
3 115–91; 131 Stat. 1630), is further amended—

4 (1) in subsection (a), by striking “through
5 2021” and inserting “through 2026”;

6 (2) by redesignating subsection (f) as sub-
7 section (h); and

8 (3) by inserting after subsection (e) the fol-
9 lowing:

10 “(f) DATA COLLECTION REQUIREMENT.—The Sec-
11 retary of Defense shall develop and implement a plan to
12 collect and analyze data on the pilot program for the pur-
13 poses of—

14 “(1) developing and sharing best practices; and

15 “(2) providing information to the leadership of
16 the Department and Congress on the implementa-
17 tion of the pilot program and related policy issues.

18 “(g) BRIEFING.—Not later than 90 days after the
19 end of each of fiscal years 2022 through 2026, the Sec-
20 retary of Defense shall provide a briefing to the Com-
21 mittee on Armed Services of the House of Representatives,
22 the Committee on Armed Services of the Senate, the Com-
23 mittee on Oversight and Government Reform of the House
24 of Representatives, and the Committee on Homeland Se-
25 curity and Governmental Affairs of the Senate including—

1 “(1) a description of the effect of this section
2 on the management of civilian personnel at domestic
3 defense industrial base facilities and Major Range
4 and Test Facilities Base during the most recently
5 ended fiscal year; and

6 “(2) the number of employees—

7 “(A) hired under such section during such
8 fiscal year; and

9 “(B) expected to be hired under such sec-
10 tion during the fiscal year in which the briefing
11 is provided.”.

12 **SEC. 1119. REPEAL OF CREDITING AMOUNTS RECEIVED**
13 **AGAINST PAY OF FEDERAL EMPLOYEE OR DC**
14 **EMPLOYEE SERVING AS A MEMBER OF THE**
15 **NATIONAL GUARD OF THE DISTRICT OF CO-**
16 **LUMBIA.**

17 (a) **IN GENERAL.**—Section 5519 of title 5, United
18 States Code, is amended by striking “or (c)”.

19 (b) **APPLICATION.**—The amendment made by sub-
20 section (a) shall apply to any amounts credited, by oper-
21 ation of such section 5519, against the pay of an employee
22 or individual described under section 6323(c) of such title
23 on or after the date of enactment of this Act.

1 **SEC. 1120. FEDERAL EMPLOYEE ANNUAL SURVEY.**

2 (a) IN GENERAL.—Subchapter II of chapter 29 of
3 title 5, United States Code, is amended by adding at the
4 end the following new section:

5 **“§ 2955. Federal employee annual survey**

6 “(a) IN GENERAL.—The Director of the Office of
7 Personnel Management shall conduct an annual survey of
8 Federal employees (including survey questions prescribed
9 under subsections (b) and (c)) to assess—

10 “(1) leadership and management practices that
11 contribute to Executive agency performance and em-
12 ployee engagement; and

13 “(2) the satisfaction of such employees with—

14 “(A) Executive agency political and career
15 leadership;

16 “(B) the work environment;

17 “(C) opportunities available to such em-
18 ployees—

19 “(i) to recommend workplace improve-
20 ments;

21 “(ii) to raise concerns and report pos-
22 sible wrongdoings;

23 “(iii) to contribute to achieving orga-
24 nizational missions; and

25 “(iv) for professional development and
26 growth;

1 “(D) rewards and recognition for profes-
2 sional accomplishment and personal contribu-
3 tions to achieving organizational missions;

4 “(E) Executive agency commitment and
5 actions to ensure diversity, equity, and inclusion
6 at work; and

7 “(F) organizational adaptability, resilience,
8 and openness to change.

9 “(b) REGULATIONS.—The Director of the Office of
10 Personnel Management shall issues regulations imple-
11 menting this section, including regulations prescribing
12 survey questions permitting comparisons across Executive
13 agencies, requiring that such questions must be included
14 on each survey conducted under subsection (a), and set-
15 ting the sequencing of such questions.

16 “(c) AGENCY-SPECIFIC QUESTIONS.—

17 “(1) IN GENERAL.—The head of an Executive
18 agency may, in coordination with the Director of the
19 Office of Personnel Management, include in a survey
20 conducted under subsection (a) questions specific to
21 the Executive agency.

22 “(2) QUESTION PLACEMENT.—Any questions
23 included in a survey under paragraph (1) shall be
24 placed at the end of the survey.

1 “(d) OCCUPATIONAL DATA.—To the extent prac-
2 ticable, the Director of the Office of Personnel Manage-
3 ment shall collect and report on the results of each Execu-
4 tive agency survey described in subsection (a) by occupa-
5 tion.

6 “(e) ACCESSIBILITY.—To the extent practicable, the
7 Director of the Office of Personnel Management shall en-
8 sure that surveys conducted under subsection (a) shall be
9 accessible and user-friendly for Federal employees who
10 choose to complete the survey on their mobile devices.

11 “(f) AVAILABILITY OF RESULTS.—

12 “(1) OFFICE OF PERSONNEL MANAGEMENT.—
13 Not later than 3 months after beginning a survey
14 under subsection (a), the Director of the Office of
15 Personnel Management shall make publicly available
16 the results of the survey.

17 “(2) AGENCIES.—After the results of a survey
18 are made publicly available under paragraph (1),
19 each head of an Executive agency shall post the re-
20 sults of surveys conducted under subsection (a) on
21 the website of such Executive agency.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for chapter 29 of title 5, United States Code, is amended
24 by inserting after the item relating to chapter 2954 the
25 following new item:

“2955. Federal employee annual survey.”.

1 **SEC. 1121. ENHANCEMENT OF RECUSAL FOR CONFLICTS OF**
2 **PERSONAL INTEREST REQUIREMENTS FOR**
3 **DEPARTMENT OF DEFENSE OFFICERS AND**
4 **EMPLOYEES.**

5 (a) IN GENERAL.—In addition to the prohibition set
6 forth in section 208 of title 18, United States Code, an
7 officer or employee of the Department of Defense may not
8 participate personally and substantially in any covered
9 matter that the officer or employee knows, or reasonably
10 should know, is likely to have a direct and predictable ef-
11 fect on the financial interests of—

12 (1) any organization, including a trade organi-
13 zation, for which the officer or employee has served
14 as an employee, officer, director, trustee, or general
15 partner in the past 2 years;

16 (2) a former direct competitor or client of any
17 organization for which the officer or employee has
18 served as an employee, officer, director, trustee, or
19 general partner in the past 2 years; or

20 (3) any employer with whom the officer or em-
21 ployee is seeking employment.

22 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to terminate, alter, or make inap-
24 plicable any other prohibition or limitation in law or regu-
25 lation on the participation of officers or employees of the
26 Department of Defense in covered matters having an ef-

1 fect on their or related financial or other personal inter-
2 ests.

3 (c) COVERED MATTER DEFINED.—In this section,
4 the term “covered matter”—

5 (1) means any matter that involves deliberation,
6 decision, or action that is focused upon the interests
7 of a specific person or a discrete and identifiable
8 class of persons; and

9 (2) includes policymaking that is narrowly fo-
10 cused on the interests of a discrete and identifiable
11 class of persons.

12 **SEC. 1122. PARENTAL BEREAVEMENT LEAVE FOR FEDERAL**
13 **EMPLOYEES.**

14 (a) IN GENERAL.—Section 6382(a)(1) of title 5,
15 United States Code, is amended by adding at the end the
16 following new subparagraph:

17 “(F) Because of the death of a son or
18 daughter of the employee.”.

19 (b) REQUIREMENTS RELATING TO LEAVE.—

20 (1) SCHEDULE.—Section 6382(b)(1) of such
21 title is amended by inserting after the third sentence
22 the following: “Leave under subsection (a)(1)(F)
23 shall not be taken by an employee intermittently or
24 on a reduced leave schedule unless the employee and

1 the employing agency of the employee agree other-
2 wise.”.

3 (2) PAID LEAVE.—Section 6382(d)(2) of such
4 title is amended—

5 (A) in subparagraph (A), by striking “(A)
6 or (B)” and inserting “(A), (B), or (F)”; and

7 (B) in subparagraph (B)(i), by striking
8 “birth or placement” and inserting “birth,
9 placement, or death”.

10 (3) NOTICE.—Section 6382(e) of such title is
11 amended by adding at the end the following new
12 paragraph:

13 “(4) In any case in which the necessity for
14 leave under subsection (a)(1)(F) is foreseeable, the
15 employee shall provide such notice to the employing
16 agency as is reasonable and practicable.”.

17 (4) CERTIFICATION REQUIREMENTS.—Section
18 6383 of such title is amended by adding at the end
19 the following new subsection:

20 “(g) An employing agency may require that a request
21 for leave under section 6382(a)(1)(F) be supported by a
22 certification issued at such time and in such manner as
23 the Office of Personnel Management may by regulation
24 prescribe. If the Office issues a regulation requiring such

1 certification, the employee shall provide, in a timely man-
 2 ner, a copy of such certification to the employer.”.

3 **Subtitle B—PLUM Act**

4 **SEC. 1131. SHORT TITLE.**

5 This subtitle may be cited as the “Periodically List-
 6 ing Updates to Management Act” or the “PLUM Act”.

7 **SEC. 1132. ESTABLISHMENT OF PUBLIC WEBSITE ON GOV- 8 ERNMENT POLICY AND SUPPORTING POSI- 9 TIONS.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—Subchapter I of chapter 33
 12 of title 5, United States Code, is amended by adding
 13 at the end the following:

14 **“§ 3330f. Government policy and supporting position
 15 data**

16 “(a) DEFINITIONS.—In this section:

17 “(1) AGENCY.—The term ‘agency’ means—

18 “(A) any Executive agency, the United
 19 States Postal Service, and the Postal Regu-
 20 latory Commission;

21 “(B) the Architect of the Capitol, the Gov-
 22 ernment Accountability Office, the Government
 23 Publishing Office, and the Library of Congress;
 24 and

1 “(C) the Executive Office of the President
2 and any component within such Office (includ-
3 ing any successor component), including—

4 “(i) the Council of Economic Advi-
5 sors;

6 “(ii) the Council on Environmental
7 Quality;

8 “(iii) the National Security Council;

9 “(iv) the Office of the Vice President;

10 “(v) the Office of Policy Development;

11 “(vi) the Office of Administration;

12 “(vii) the Office of Management and
13 Budget;

14 “(viii) the Office of the United States
15 Trade Representative;

16 “(ix) the Office of Science and Tech-
17 nology Policy;

18 “(x) the Office of National Drug Con-
19 trol Policy; and

20 “(xi) the White House Office, includ-
21 ing the White House Office of Presidential
22 Personnel.

23 “(2) COVERED WEBSITE.—The term ‘covered
24 website’ means the website established and main-
25 tained by the Director under subsection (b).

1 “(3) DIRECTOR.—The term ‘Director’ means
2 the Director of the Office of Personnel Management.

3 “(4) APPOINTEE.—The term ‘appointee’—

4 “(A) means an individual serving in a pol-
5 icy and supporting position; and

6 “(B) includes an individual serving in such
7 a position temporarily in an acting capacity in
8 accordance with—

9 “(i) sections 3345 through 3349d
10 (commonly referred to as the ‘Federal Va-
11 cancies Reform Act of 1998’);

12 “(ii) any other statutory provision de-
13 scribed in section 3347(a)(1); or

14 “(iii) a Presidential appointment de-
15 scribed in section 3347(a)(2).

16 “(5) POLICY AND SUPPORTING POSITION.—The
17 term ‘policy and supporting position’ means—

18 “(A) a position that requires appointment
19 by the President, by and with the advice and
20 consent of the Senate;

21 “(B) a position that requires or permits
22 appointment by the President or Vice Presi-
23 dent, without the advice and consent of the
24 Senate;

1 “(C) a position occupied by a limited term
2 appointee, limited emergency appointee, or non-
3 career appointee in the Senior Executive Serv-
4 ice, as defined under paragraphs (5), (6), and
5 (7), respectively, of section 3132(a);

6 “(D) a position of a confidential or policy-
7 determining character under schedule C of sub-
8 part C of part 213 of title 5, Code of Federal
9 Regulations, or any successor regulation;

10 “(E) a position in the Senior Foreign Serv-
11 ice;

12 “(F) any career position at an agency that,
13 but for this section and section 2(b)(3) of the
14 PLUM Act, would be included in the publica-
15 tion entitled ‘United States Government Policy
16 and Supporting Positions’, commonly referred
17 to as the ‘Plum Book’; and

18 “(G) any other position classified at or
19 above level GS-14 of the General Schedule (or
20 equivalent) that is excepted from the competi-
21 tive service by law because of the confidential or
22 policy-determining nature of the position duties.

23 “(b) ESTABLISHMENT OF WEBSITE.—Not later than
24 1 year after the date of enactment of the PLUM Act, the
25 Director shall establish, and thereafter maintain, a public

1 website containing the following information for the Presi-
2 dent then in office and for each subsequent President:

3 “(1) Each policy and supporting position in the
4 Federal Government, including any such position
5 that is vacant.

6 “(2) The name of each individual who—

7 “(A) is serving in a position described in
8 paragraph (1); or

9 “(B) previously served in a position de-
10 scribed in such paragraph under the applicable
11 President.

12 “(3) Information on any Government-wide or
13 agency-wide limitation on the total number of posi-
14 tions in the Senior Executive Service under section
15 3133 or 3132, and for the total number of positions
16 in Schedule C of subpart C of part 213 of title 5,
17 Code of Federal Regulations, and total number of
18 individuals occupying such positions.

19 “(c) CONTENTS.—With respect to any policy and
20 supporting position listed on the covered website, the Di-
21 rector shall include—

22 “(1) the agency, and agency component, (in-
23 cluding the agency and bureau code used by the Of-
24 fice of Management and Budget) in which the posi-
25 tion is located;

1 “(2) the name of the position;

2 “(3) the name of the individual occupying such
3 position (if any);

4 “(4) the geographic location of the position, in-
5 cluding the city, State or province, and country;

6 “(5) the pay system under which the position is
7 paid;

8 “(6) the level, grade, or rate of pay;

9 “(7) the term or duration of the appointment
10 (if any);

11 “(8) the expiration date, in the case of a time-
12 limited appointment;

13 “(9) a unique identifier for each appointee to
14 enable tracking such appointee across positions;

15 “(10) whether the position is vacant, and in the
16 case of a vacancy, for positions for which appoint-
17 ment is required to be made by the President by and
18 with the advice and consent of the Senate, the name
19 of the acting official, and, for other positions, the
20 name of the official performing the duties of the va-
21 cant position.

22 “(d) CURRENT DATA.—For each agency, the Direc-
23 tor shall indicate the date that the agency last updated
24 the data.

1 “(e) FORMAT.—The Director shall make the data on
2 the covered website available to the public at no cost over
3 the internet in a searchable, sortable, downloadable, and
4 machine-readable format so that the data qualifies as an
5 open Government data asset, as defined in section 3502
6 of title 44.

7 “(f) AUTHORITY OF DIRECTOR.—

8 “(1) INFORMATION REQUIRED.—Each agency
9 shall provide to the Director any information that
10 the Director determines necessary to establish and
11 maintain the covered website, including the informa-
12 tion uploaded pursuant to paragraph (4).

13 “(2) REQUIREMENTS FOR AGENCIES.—Not
14 later than 1 year after the date of enactment of the
15 PLUM Act, the Director shall issue instructions to
16 agencies with specific requirements for the provision
17 or uploading of information required under para-
18 graph (1), including—

19 “(A) specific data standards that an agen-
20 cy shall follow to ensure that the information is
21 complete, accurate, and reliable;

22 “(B) data quality assurance methods; and

23 “(C) the timeframe during which an agen-
24 cy shall provide or upload the information, in-

1 including the timeframe described under para-
2 graph (4).

3 “(3) PUBLIC ACCOUNTABILITY.—The Director
4 shall identify on the covered website any agency that
5 has failed to provide—

6 “(A) the information required by the Di-
7 rector;

8 “(B) complete, accurate, and reliable infor-
9 mation; or

10 “(C) the information during the timeframe
11 specified by the Director.

12 “(4) MONTHLY UPDATES.—

13 “(A) Not later than 90 days after the date
14 the covered website is established, and not less
15 than once during each 30 day period thereafter,
16 the head of each agency shall upload to the cov-
17 ered website updated information (if any) on—

18 “(i) the policy and supporting posi-
19 tions in the agency;

20 “(ii) the appointees occupying such
21 positions in the agency; and

22 “(iii) the former appointees who
23 served in the agency under the President
24 then in office.

1 “(B) Information provided under subpara-
2 graph (A) shall supplement, not supplant, pre-
3 viously provided data under such subparagraph.

4 “(5) OPM HELP DESK.—The Director shall es-
5 tablish a central help desk, to be operated by not
6 more than one full-time employee, to assist any
7 agency with implementing this section.

8 “(6) COORDINATION.—The Director may des-
9 ignate one or more Federal agencies to participate
10 in the development, establishment, operation, and
11 support of the covered website. With respect to any
12 such designation, the Director may specify the scope
13 of the responsibilities of the Federal agency so des-
14 ignated.

15 “(7) DATA STANDARDS AND TIMING.—The Di-
16 rector shall make available on the covered website
17 information regarding on data collection standards,
18 quality assurance methods, and time frames for re-
19 porting data to the Director.

20 “(8) REGULATIONS.—The Director may pre-
21 scribe regulations necessary for the administration
22 of this section.

23 “(g) RESPONSIBILITY OF AGENCIES.—

24 “(1) PROVISION OF INFORMATION.—Each agen-
25 cy shall comply with the instructions and guidance

1 issued by the Director to carry out this subtitle, and,
2 upon request of the Director, shall provide appro-
3 priate assistance to the Director to ensure the suc-
4 cessful operation of the covered website in the man-
5 ner and within the timeframe specified by the Direc-
6 tor under subsection (f)(2).

7 “(2) ENSURING COMPLETENESS, ACCURACY,
8 AND RELIABILITY.—With respect to any submission
9 of information described in paragraph (1), the head
10 of an agency shall include an explanation of how the
11 agency ensured the information is complete, accu-
12 rate, and reliable, and a certification that such infor-
13 mation is complete, accurate, and reliable.

14 “(h) INFORMATION VERIFICATION.—

15 “(1) IN GENERAL.—Not less frequently than
16 semiannually, the Director, in coordination with the
17 White House Office of Presidential Personnel, shall
18 confirm that the information on the covered website
19 is complete, accurate, reliable, and up-to-date. On
20 the date of any such confirmation, the Director shall
21 publish on the covered website a certification that
22 such confirmation has been made.

23 “(2) AUTHORITY OF DIRECTOR.—In carrying
24 out paragraph (1), the Director may—

1 “(A) request additional information from
2 an agency; and

3 “(B) use any additional information pro-
4 vided to the Director or the White House Office
5 of Presidential Personnel for the purposes of
6 verification.

7 “(3) PUBLIC COMMENT.—The Director shall es-
8 tablish a process under which members of the public
9 may provide feedback regarding the accuracy of the
10 information on the covered website.

11 “(i) DATA ARCHIVING.—

12 “(1) IN GENERAL.—As soon as practicable
13 after a transitional inauguration day (as defined in
14 section 3349a), the Director, in consultation with
15 the Archivist of the United States, shall archive the
16 data that was compiled on the covered website for
17 the preceding presidential administration.

18 “(2) PUBLIC AVAILABILITY.—The Director
19 shall make the data described in paragraph (1) pub-
20 licly available over the internet—

21 “(A) on, or through a link on, the covered
22 website;

23 “(B) at no cost; and

24 “(C) in a searchable, sortable,
25 downloadable, and machine-readable format.

1 “(j) REPORTS.—

2 “(1) IN GENERAL.—Not less frequently than
3 one year after the covered website is established and
4 not less than annually thereafter, the Director, in
5 coordination with the White House Office of Presi-
6 dential Personnel, shall publish a report on the cov-
7 ered website that contains summary level informa-
8 tion on the demographics of any appointee. Such re-
9 port shall provide such information in a structured
10 data format that is searchable, sortable, and
11 downloadable, makes use of common identifiers
12 wherever possible, and contains current and histor-
13 ical data regarding such information.

14 “(2) CONTENTS.—

15 “(A) IN GENERAL.—Each report published
16 under paragraph (1) shall include self-identified
17 data on race, ethnicity, tribal affiliation, gender,
18 disability, sexual orientation, veteran status,
19 and whether the appointee is over the age of 40
20 with respect to each type of appointee. Such a
21 report shall allow for users of the covered
22 website to view the type of appointee by agency
23 or component, along with these self-identified
24 data, alone and in combination, to the greatest

1 level detail possible without allowing the identi-
2 fication of individual appointees.

3 “(B) OPTION TO NOT SPECIFY.—When
4 collecting each category of data described in
5 subparagraph (A), each appointee shall be al-
6 lowed an option to not specify with respect to
7 any such category.

8 “(C) CONSULTATION.—The Director shall
9 consult with the Committee on Oversight and
10 Reform of the House of Representatives and
11 the Committee on Homeland Security and Gov-
12 ernmental Affairs of the Senate regarding re-
13 ports published under this subsection and the
14 information in such reports to determine wheth-
15 er the intent of this section is being fulfilled
16 and if additional information or other changes
17 are needed for such reports.

18 “(3) EXCLUSION OF CAREER POSITIONS.—For
19 purposes of applying the term ‘appointee’ in this
20 subsection, such term does not include any indi-
21 vidual appointed to a position described in sub-
22 section (a)(5)(F).”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions for subchapter I of chapter 33 of title 5,

1 United States Code, is amended by adding at the
2 end the following:

“3330f. Government policy and supporting position data.”.

3 (b) OTHER MATTERS.—

4 (1) GAO REVIEW AND REPORT.—Not later than
5 1 year after the date such website is established, the
6 Comptroller General shall conduct a review, and
7 issue a briefing or report, on the implementation of
8 this subtitle and the amendments made by this sub-
9 title. The review shall include—

10 (A) the quality of data required to be col-
11 lected and whether such data is complete, accu-
12 rate, timely, and reliable;

13 (B) any challenges experienced by agencies
14 in implementing this subtitle and the amend-
15 ments made by this subtitle; and

16 (C) any suggestions or modifications to en-
17 hance compliance with this subtitle and the
18 amendments made by this subtitle, including
19 best practices for agencies to follow.

20 (2) SUNSET OF PLUM BOOK.—Beginning on
21 January 1, 2024, such website shall serve as the
22 public directory for policy and supporting positions
23 in the Government, and the publication entitled
24 “United States Government Policy and Supporting

1 Positions”, commonly referred to as the “Plum
2 Book”, shall no longer be issued or published.

3 **TITLE XII—MATTERS RELATING**
4 **TO FOREIGN NATIONS**
5 **Subtitle A—Assistance and**
6 **Training**

7 **SEC. 1201. EXTENSION OF SUPPORT OF SPECIAL OPER-**
8 **ATIONS FOR IRREGULAR WARFARE.**

9 Section 1202(a) of the National Defense Authoriza-
10 tion Act for Fiscal Year 2018 (Public Law 115–91; 131
11 Stat. 1639) is amended by striking “2023” and inserting
12 “2025”.

13 **SEC. 1202. REPORT ON HUMAN RIGHTS AND BUILDING**
14 **PARTNER CAPACITY PROGRAMS.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of the enactment of this Act, the Secretary of De-
17 fense, in coordination with the Secretary of State, shall
18 submit to the appropriate congressional committees a re-
19 port identifying units of national security forces of foreign
20 countries that—

21 (1) have participated in programs under the au-
22 thority of section 333 of title 10, United States
23 Code, during any of fiscal years 2017 through 2021;
24 and

1 (2) have been determined to have committed
2 gross violations of internationally recognized human
3 rights, including as described in the annual Depart-
4 ment of State’s Country Reports on Human Rights
5 Practices.

6 (b) MATTERS TO BE INCLUDED.—The report re-
7 quired by subsection (a) should include recommendations
8 to improve human rights training and additional measures
9 that can be adopted to prevent violations of human rights
10 under any other provision of law.

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

14 (1) the Committee on Armed Services and the
15 Committee on Foreign Relations of the Senate; and

16 (2) the Committee on Armed Services and the
17 Committee on Foreign Affairs of the House of Rep-
18 resentatives.

19 **SEC. 1203. REPORT ON COUNTRIES SUITABLE FOR STA-**
20 **BILIZATION OPERATIONS SUPPORT.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of De-
23 fense, in consultation with the Secretary of State and Ad-
24 ministrator of the United States Agency for International
25 Development, shall submit to the Committee on Armed

1 Services and the Committee on Foreign Affairs of the
2 House of Representatives and the Committee on Armed
3 Services and the Committee on Foreign Relations of the
4 Senate a report on countries for which the Department
5 has a presence and are suitable for stabilization operations
6 support provided under section 1210A of National De-
7 fense Authorization Act for Fiscal Year 2020 (Public Law
8 116–92) to inform ongoing interagency discussions on sta-
9 bilization efforts.

10 (b) MATTERS TO BE INCLUDED.—The report re-
11 quired by subsection (a) shall include a list of countries
12 suitable for such stabilization operations support and a
13 justification for such list.

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion may be construed to divert resources from potential
16 emergency operational capacities.

17 **SEC. 1204. MODIFICATION AND EXTENSION OF BIENNIAL**
18 **COMPTROLLER GENERAL OF THE UNITED**
19 **STATES AUDITS OF PROGRAMS TO BUILD**
20 **THE CAPACITY OF FOREIGN SECURITY**
21 **FORCES.**

22 Section 1205(f) of the Carl Levin and Howard P.
23 “Buck” McKeon National Defense Authorization Act for
24 Fiscal Year 2015 (Public Law 113–291) is amended—

25 (1) in paragraph (1)—

1 (A) by striking “2016, 2018 and 2020”
2 and inserting “2022, 2024, and 2026”; and

3 (B) by striking “section 2282 of title 10,
4 United States Code (as so added)” and insert-
5 ing “subsections (a)(1) and (e)(7)(B) of section
6 333 of title 10, United States Code”; and
7 (2) in paragraph (2)—

8 (A) by redesignating subparagraph (E) as
9 subparagraph (G); and

10 (B) by inserting after subparagraph (D)
11 the following:

12 “(E) An assessment of coordination by the
13 Department of Defense with coalition partners
14 under the program or programs, as applicable.

15 “(F) A description and assessment of the
16 methodology used by the Department of De-
17 fense to assess the effectiveness of training
18 under the program or programs.”.

19 **Subtitle B—Matters Relating to**
20 **Afghanistan and Pakistan**

21 **SEC. 1211. CLARIFICATION OF CERTAIN MATTERS REGARD-**
22 **ING PROTECTION OF AFGHAN ALLIES.**

23 (a) IN GENERAL.—Section 602 of the Afghan Allies
24 Protection Act of 2009 (8 U.S.C. 1101 note) is amend-
25 ed—

1 (1) in subsection (b)(2)(C)—

2 (A) by striking “(I) IN GENERAL.—An
3 alien is described in this subparagraph if the
4 alien” and inserting the following:

5 “(i) IN GENERAL.—An alien is de-
6 scribed in this subparagraph if the alien”;

7 and

8 (B) by striking “(II) EMPLOYMENT RE-
9 QUIREMENTS.—An application” and inserting
10 the following:

11 “(ii) EMPLOYMENT REQUIREMENTS.—
12 An application”;

13 (2) in subsection (b)(2)(C)(i), by striking sub-
14 clause (I), and inserting the following:

15 “(I) was the spouse or child of a
16 principal alien described in subpara-
17 graph (A) who had submitted—

18 “(aa) an application to the
19 Chief of Mission pursuant to this
20 section; or

21 “(bb) a petition pursuant to
22 section 1059 of the National De-
23 fense Authorization Act for Fis-
24 cal Year 2006 (Public Law 109–
25 163; 8 U.S.C. 1101 note),

1 which included the alien as an accom-
2 panying spouse or child; and”;

3 (3) in subsection (b)(2)(C)(i)(II)—

4 (A) in item (aa), by inserting “application
5 or” before “petition”; and

6 (B) in item (bb), by inserting “application
7 or” before “petition”; and

8 (4) in subsection (b)(2)(C)(ii), by inserting “or
9 petition” after “application” each place such term
10 appears.

11 (b) STATUS OF AFGHANS EMPLOYED SUBJECT TO A
12 GRANT OR COOPERATIVE AGREEMENT.—Section
13 602(b)(2)(A)(ii)(I) of the Afghan Allies Protection Act of
14 2009 (8 U.S.C. 1101 note) is amended by inserting after
15 “United States Government” the following “, including
16 employment or other work in Afghanistan funded by the
17 United States Government through a cooperative agree-
18 ment, grant, or nongovernmental organization, if the Sec-
19 retary of State determines, based on a recommendation
20 from the Federal agency or organization authorizing such
21 funding, that such alien contributed to the United States
22 mission in Afghanistan”.

23 (c) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) it is our solemn responsibility to honor the
2 sacrifices made by, and the loyal service of, our
3 many Afghan partners who faithfully served along-
4 side our Armed Forces, our diplomats, and sup-
5 ported United States operations in Afghanistan for
6 the last 20 years;

7 (2) the United States Government must recog-
8 nize that commitment and seek to facilitate the safe
9 passage to the United States for those Afghan part-
10 ners through the Afghan Special Immigrant Visa
11 program;

12 (3) our Afghan partners performed their serv-
13 ices at great personal risk to themselves and their
14 families and that these Afghans, in their service to
15 our security as interpreters and in other capacities,
16 furthered our military and diplomatic mission in Af-
17 ghanistan; and

18 (4) the United States Government is grateful
19 for the loyalty of our Afghan partners and expresses
20 our deepest sympathies for what they have lost.

21 Congress reaffirms its commitment to continuing the work
22 that it has done to honor these Afghans and provide for
23 their safety through the Afghan Special Immigrant Visa
24 program as it has since the program's inception in 2009
25 including through the passage of legislation to extend the

1 Afghan Special Immigrant Visa program and provide ad-
2 ditional special immigrant visas.

3 (d) OVERSIGHT OF EVACUATION.—Not later than 60
4 days after the date of enactment, the Secretary of Defense
5 shall, in consultation with the Secretary of State, appoint
6 an official to assist with the State Department on the con-
7 tinued evacuation of American nationals, special immi-
8 grant visa petitioners, and other Afghans at risk. The ap-
9 pointment shall terminate on the last day of the fiscal year
10 that begins after the date of such appointment, except that
11 the Secretary of Defense, in consultation with the Sec-
12 retary of State may extend such appointment for an addi-
13 tional period of 1 fiscal year.

14 **SEC. 1212. AFGHANISTAN SECURITY FORCES FUND.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—
16 Amounts are authorized to be appropriated and are au-
17 thorized to remain available through December 31, 2022,
18 for the Afghanistan Security Forces Fund for expenditure
19 on costs associated with the termination of Operation
20 Freedom’s Sentinel and termination of related support to
21 the forces of the Ministry of Defense and the Ministry of
22 Interior Affairs of the Government of Afghanistan, and
23 may also be made available for storage costs for equipment
24 and other materiel taken into DoD stock pursuant to sub-

1 section (b) of this section, contract termination, and close
2 out costs.

3 (b) EQUIPMENT DISPOSITION.—

4 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—

5 Subject to paragraph (2), the Secretary of Defense
6 may accept equipment that was procured using
7 amounts authorized to be appropriated for the Af-
8 ghanistan Security Forces Fund by subsection (a) or
9 authorized to be appropriated pursuant to prior Acts
10 and was—

11 (A) intended for transfer to the security
12 forces of the Ministry of Defense and the Min-
13 istry of Interior Affairs of the Government of
14 Afghanistan; or

15 (B) previously accepted by the Government
16 of Afghanistan.

17 (2) TREATMENT AS DEPARTMENT OF DEFENSE
18 STOCKS.—Equipment accepted under the authority
19 provided under paragraph (1) may be treated as
20 stocks of the Department of Defense upon notifica-
21 tion to the congressional defense committees of such
22 treatment.

23 (3) AUTHORIZATION OF APPROPRIATIONS.—

24 Amounts authorized to be appropriated by this Act

1 for the Afghanistan Security Forces Fund for the
2 authority described in paragraph (1) may be used—

3 (A) for transportation, storage, and other
4 costs associated with taking equipment accepted
5 under the authority provided under paragraph
6 (1) into stocks of the Department of Defense
7 until alternate disposition is determined; and

8 (B) to pay for the costs of disposing of
9 such equipment if no other alternate use can be
10 found.

11 (4) QUARTERLY REPORTS ON EQUIPMENT DIS-
12 POSITION.—

13 (A) IN GENERAL.—Not later than 90 days
14 after the date of the enactment of this Act and
15 every 90 days thereafter during the period in
16 which the authority provided under paragraph
17 (1) is exercised, the Secretary shall submit to
18 the congressional defense committees a report
19 describing the equipment accepted during the
20 period covered by such report under the fol-
21 lowing:

22 (i) This subsection.

23 (ii) Any prior Act authorizing the ap-
24 propriation of funds for the Afghanistan
25 Security Forces Fund pursuant to which

1 such equipment was accepted during such
2 period.

3 (B) ELEMENTS.—Each report under sub-
4 paragraph (A) shall include, with respect to the
5 90-day period for which report is submitted and
6 cumulatively beginning with the date of the
7 submission of the first notification described in
8 subparagraph (A)—

9 (i) a list of any equipment accepted
10 during such period and treated as stocks of
11 the Department of Defense;

12 (ii) a description of the circumstances
13 that resulted in such equipment being
14 available for treatment as stocks of the De-
15 partment of Defense;

16 (iii) the cost associated with the stor-
17 age of maintenance of any accepted equip-
18 ment; and

19 (iv) the final disposition decisions or
20 actions for all accepted equipment.

1 **SEC. 1213. PROHIBITION ON PROVIDING FUNDS OR MATE-**
2 **RIAL RESOURCES OF THE DEPARTMENT OF**
3 **DEFENSE TO THE TALIBAN.**

4 The Secretary of Defense may not provide any funds
5 or material resources of the Department of Defense to the
6 Taliban.

7 **SEC. 1214. PROHIBITION ON TRANSPORTING CURRENCY TO**
8 **THE TALIBAN AND THE ISLAMIC EMIRATE OF**
9 **AFGHANISTAN.**

10 None of the amounts authorized to be appropriated
11 by this Act or otherwise made available to the Department
12 of Defense may be made available for the operation of any
13 aircraft of the Department of Defense to transport cur-
14 rency or other items of value to the Taliban, the Islamic
15 Emirate of Afghanistan, or any subsidiary, agent, or in-
16 strumentality of either the Taliban or the Islamic Emirate
17 of Afghanistan.

18 **SEC. 1215. EXTENSION AND MODIFICATION OF AUTHORITY**
19 **FOR REIMBURSEMENT OF CERTAIN COALI-**
20 **TION NATIONS FOR SUPPORT PROVIDED TO**
21 **UNITED STATES MILITARY OPERATIONS.**

22 Section 1233 of the National Defense Authorization
23 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
24 393) is amended—

25 (1) in subsection (a), by striking “for the period
26 beginning on October 1, 2020, and ending on De-

1 cember 31, 2021” and inserting “for the period be-
2 ginning on October 1, 2021, and ending on Decem-
3 ber 31, 2022”; and

4 (2) in subsection (d)—

5 (A) by striking “during the period begin-
6 ning on October 1, 2020, and ending on De-
7 cember 31, 2021” and inserting “during the pe-
8 riod beginning on October 1, 2021, and ending
9 on December 31, 2022”; and

10 (B) by striking “\$180,000,000” and in-
11 serting “\$60,000,000”.

12 **SEC. 1216. QUARTERLY BRIEFINGS ON THE SECURITY ENVI-**
13 **RONMENT IN AFGHANISTAN AND UNITED**
14 **STATES MILITARY OPERATIONS RELATED TO**
15 **THE SECURITY OF, AND THREATS EMA-**
16 **NATING FROM, AFGHANISTAN.**

17 (a) IN GENERAL.—The Chairman of the Joint Chiefs
18 of Staff and the Secretary of Defense, acting through the
19 Under Secretary of Defense for Policy and the Under Sec-
20 retary of Defense for Intelligence and Security, shall pro-
21 vide to the House Committee on Armed Services a quar-
22 terly briefing on the security environment in Afghanistan
23 and United States military operations related to the secu-
24 rity of, and threats emanating from, Afghanistan.

1 (b) ELEMENTS.—Each quarterly briefing under sub-
2 section (a) shall including information relating to the fol-
3 lowing:

4 (1) The current security environment in Af-
5 ghanistan, including the following:

6 (A) An assessment of foreign terrorist or-
7 ganizations operating within Afghanistan, in-
8 cluding the operations of such organizations
9 against targets inside Afghanistan and abroad.

10 (B) An assessment of Taliban operations
11 against Afghan nationals who assisted United
12 States and coalition forces since 2001.

13 (2) The disposition of United States forces in
14 the region, including the following:

15 (A) An update on United States force pos-
16 ture and basing activity in the CENTCOM area
17 of operations as such relates to Afghanistan.

18 (B) A description of capabilities of forces
19 in the region to execute operations in Afghani-
20 stan.

21 (C) Relevant updates on ability and effec-
22 tiveness of over the horizon operations in Af-
23 ghanistan.

24 (3) Relevant updates of foreign military oper-
25 ations in the region, including the following:

1 (A) An assessment of foreign military op-
2 erations in the region as such relate to Afghani-
3 stan.

4 (B) An assessment of foreign military ca-
5 pabilities to execute operations in Afghanistan.

6 (C) An assessment of foreign militaries' re-
7 lationships with the Taliban or foreign terrorist
8 organizations inside Afghanistan.

9 (c) TIMING.—With respect to the quarterly briefings
10 required under subsection (a)—

11 (1) the first such quarterly briefing is due not
12 later than March 31, 2022; and

13 (2) each subsequent briefing is due each quar-
14 ter thereafter until March 31, 2024.

15 (d) CLASSIFICATION.—Each quarterly briefing under
16 subsection (a) shall be conducted in a classified format.

17 **SEC. 1217. QUARTERLY REPORT ON THE THREAT POTEN-**
18 **TIAL OF AL-QAEDA AND RELATED TERRORIST**
19 **GROUPS UNDER A TALIBAN REGIME IN AF-**
20 **GHANISTAN.**

21 (a) IN GENERAL.—The Secretary of Defense shall
22 prepare and submit to the appropriate congressional com-
23 mittees on a quarterly basis a report on the threat poten-
24 tial of Al-Qaeda and related terrorist groups under a
25 Taliban regime in Afghanistan.

1 (b) MATTERS TO BE INCLUDED.—The report re-
2 quired by subsection (a) shall include the implications of
3 Al-Qaeda and related terrorist groups, including the Is-
4 lamic State of Iraq and Syria (ISIS), the Islamic State
5 Khurasan (ISK), and the Haqqani Network, operating
6 within a Taliban-held Afghanistan, the region, and glob-
7 ally.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means—

- 11 (1) the congressional defense committees; and
12 (2) the Committee on Foreign Relations of the
13 Senate and the Committee on Foreign Affairs of the
14 House of Representatives.

15 **SEC. 1218. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

- 17 (1) the men and women of the United States
18 Armed Forces performed heroically by securing
19 Hamid Karzai International Airport and facilitating
20 the evacuation of thousands of United States citi-
21 zens;
22 (2) these servicemembers have executed the
23 largest Noncombatant Evacuation Operation (NEO)
24 in United States history, saving the lives of thou-
25 sands of men, women, and children;

1 (3) these servicemembers should be commended
2 for their courageous and noble service to their coun-
3 try, having acquitted themselves in a manner that
4 should make every American proud; and

5 (4) the service and lives of the 11 Marines, a
6 sailor, and a soldier who gave their lives in service
7 of this mission should be remembered for their valor
8 and humanity, having made the ultimate sacrifice in
9 service to their Nation.

10 **SEC. 1219. JOINT REPORT ON USING THE SYNCHRONIZED**
11 **PREDEPLOYMENT AND OPERATIONAL**
12 **TRACKER (SPOT) DATABASE TO VERIFY AF-**
13 **GHAN SIV APPLICANT INFORMATION.**

14 (a) IN GENERAL.—Not later than 120 days after the
15 date of the enactment of this Act, the Secretary of Defense
16 and the Secretary of State shall submit to appropriate con-
17 gressional committees a joint report on the use of the De-
18 partment of Defense Synchronized Predeployment and
19 Operational Tracker database (in this section referred to
20 as the “SPOT database”) to verify the existence of De-
21 partment of Defense contracts and Afghan biographic
22 data for Afghan special immigrant visa applicants.

23 (b) ELEMENTS OF JOINT REPORT.—The joint report
24 required under subsection (a) shall—

1 (1) evaluate the improvements in the special
2 immigrant visa process following the use of the
3 SPOT database to verify special immigrant visa ap-
4 plications, including the extent to which use of
5 SPOT expedited special immigrant visa processing,
6 reduced the risk of fraudulent documents, and the
7 extent to which the SPOT database could be used
8 for future special immigrant visa programs;

9 (2) identify obstacles that persisted in docu-
10 menting the identity and employment of locally em-
11 ployed staff and contractors after the use of the
12 SPOT database in the special immigrant visa proc-
13 ess; and

14 (3) recommend best practices from the SPOT
15 database that could be used to implement a central-
16 ized interagency database of information related to
17 personnel conducting work on executive agency con-
18 tracts, grants, or cooperative agreements that can be
19 used to adjudicate special immigrant visas.

20 (c) CONSULTATION.—For the purposes of preparing
21 the joint report required under this section, the Secretary
22 of Defense and the Secretary of State shall consult with
23 the Administrator of the United States Agency for Inter-
24 national Development and the Secretary of Homeland Se-
25 curity.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means the Committees on Armed
4 Services of the Senate and House of Representatives, the
5 Committee on Foreign Relations of the Senate, and the
6 Committee on Foreign Affairs of the House of Representa-
7 tives.

8 **SEC. 1220. PROHIBITION ON REMOVAL OF PUBLICLY AVAIL-**
9 **ABLE ACCOUNTINGS OF MILITARY ASSIST-**
10 **ANCE PROVIDED TO THE AFGHAN SECURITY**
11 **FORCES.**

12 None of the funds authorized to be appropriated by
13 this Act or otherwise made available for the Department
14 of Defense for fiscal year 2022 may be used to remove
15 from the website of the Department of Defense or any
16 other agency publicly available accountings of military as-
17 sistance provided to the Afghan security forces that was
18 publicly available online as of July 1, 2021.

19 **SEC. 1220A. SENSE OF CONGRESS RELATING TO KABUL AIR**
20 **STRIKE.**

21 It is the sense of Congress that—

22 (1) an investigation by the Commander of
23 United States Central Command, General Kenneth
24 F. McKenzie, found that an August air strike in

1 Kabul resulted in the deaths of as many as ten civil-
2 ians, including up to seven children;

3 (2) Secretary of Defense, Lloyd J. Austin III,
4 expressed condolences to the surviving family mem-
5 bers on behalf of the Department of Defense;

6 (3) senior defense officials must ensure that
7 there is full accountability for this tragic mistake;

8 (4) the Department of Defense must conduct a
9 timely, comprehensive, and transparent investigation
10 into the events that led to the deaths of innocent ci-
11 vilians, including accountability measures to be
12 taken and consideration of the degree to which
13 strike authorities, procedures, and processes need to
14 be altered in the future; and

15 (5) while no amount of recompense can make
16 up for the loss or grief of the affected families, the
17 United States must provide appropriate compensa-
18 tion for those families through the form of ex gratia
19 payments or other means of remuneration.

20 **SEC. 1220B. REQUIREMENT TO ATTEMPT RECOVERY OF**
21 **AIRCRAFT.**

22 The Secretary of Defense shall use amounts appro-
23 priated pursuant to the authorization under section 1212
24 to attempt to recover any aircraft that were provided by
25 the United States to the Afghan security forces that have

1 been relocated to other countries, including the 46 aircraft
2 flown to Uzbekistan, during the collapse of the Afghan
3 government.

4 **SEC. 1220C. ADDITIONAL REPORTS REQUIRED OF THE OF-**
5 **FICE OF THE SPECIAL INSPECTOR GENERAL**
6 **FOR AFGHANISTAN RECONSTRUCTION.**

7 The Office of the Special Inspector General for Af-
8 ghanistan Reconstruction shall conduct investigations,
9 submit progress reports on such investigations to the ap-
10 propriate congressional committees through the quarterly
11 reports required to be submitted to such committees under
12 law, and submit to such committees a final report con-
13 taining summary of all such investigations with respect
14 to the withdrawal of United States and allied forces from
15 Afghanistan, which shall, at a minimum, include the fol-
16 lowing:

17 (1) The types of military equipment provided by
18 the United States to the Afghanistan military or se-
19 curity forces that was left in Afghanistan after with-
20 drawal of United States forces, including equipment
21 provided to the Afghan Air Force, whether the
22 Taliban have control over such equipment, and
23 whether it is being moved or sold to any third par-
24 ties.

1 (2) Whether Afghan government officials fled
2 Afghanistan with United States taxpayer dollars.

3 (3) Whether funds made available from the Af-
4 ghan Security Force Fund were stolen by Afghan
5 government officials or were diverted from their
6 originally intended purposes.

7 (4) Whether equipment provided to Afghanistan
8 military or security forces was used to assist Afghan
9 government officials to flee Afghanistan.

10 **SEC. 1220D. REPORT ON EVACUATION OF UNITED STATES**

11 **CITIZENS FROM HAMID KARZAI INTER-**
12 **NATIONAL AIRPORT.**

13 (a) IN GENERAL.—Not later than 30 days after the
14 date of the enactment of this Act, and every 30 days there-
15 after, the Secretary of State shall submit to the appro-
16 priate congressional committees a report on the number
17 of United States citizens evacuated from Hamid Karzai
18 International Airport.

19 (b) TERMINATION.—The reports required by sub-
20 section (a) shall terminate 30 days after the date on which
21 the final United States citizen that has requested evacu-
22 ation from Hamid Karzai International Airport has been
23 evacuated.

24 (c) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that throughout the evacuation of American citizens

1 and allies from Afghanistan, the United States Armed
2 Forces carried out their mission with tremendous profes-
3 sionalism, compassion, and bravery.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the congressional defense committees; and

8 (2) the Committee on Foreign Affairs and the
9 Permanent Select Committee on Intelligence of the
10 House of Representatives; and

11 (3) the Committee on Foreign Relations and
12 the Select Committee on Intelligence of the Senate.

13 **SEC. 1220E. SENSE OF CONGRESS ON WOMEN AND GIRLS IN**
14 **AFGHANISTAN.**

15 It is the sense of Congress that—

16 (1) the international community should con-
17 demn acts of violence against Afghan women and
18 girls; and

19 (2) Afghan women deserve the right to vote,
20 work, obtain an education, or otherwise participate
21 in the civic affairs of Afghanistan.

22 **SEC. 1220F. BRIEFING ON STATUS OF WOMEN AND GIRLS IN**
23 **AFGHANISTAN.**

24 The Secretary of Defense shall provide to members
25 of Congress a briefing on the status of women and girls

1 in Afghanistan as a result of the Taliban rule and after
2 the withdrawal of United States Armed Forces from the
3 country, in comparison to the preceding decade.

4 **SEC. 1220G. PROHIBITION ON USE OF FUNDS FOR MILI-**
5 **TARY COOPERATION OR INTELLIGENCE**
6 **SHARING WITH THE TALIBAN.**

7 None of the funds authorized to be appropriated or
8 otherwise made available by this Act may be used for mili-
9 tary cooperation or intelligence sharing with the Taliban.

10 **SEC. 1220H. THREAT ASSESSMENT OF TERRORIST THREATS**
11 **POSED BY PRISONERS RELEASED BY**
12 **TALIBAN IN AFGHANISTAN.**

13 (a) THREAT ASSESSMENT.—

14 (1) IN GENERAL.—The Director of National In-
15 telligence, in coordination with the Secretary of
16 Homeland Security, the Secretary of Defense and
17 the Director of the Federal Bureau of Investigation,
18 shall conduct a threat assessment of terrorist threats
19 to the United States posed by the prisoners released
20 by the Taliban from the Pul-e-Charkhi Prison and
21 Parwan Detention Facility in Afghanistan.

22 (2) ELEMENTS.—The assessment required
23 under paragraph (1) shall include the following:

24 (A) With respect to the prisoners released
25 by the Taliban from the Pul-e-Charkhi Prison

1 and Parwan Detention Facility in Afghanistan,
2 information relating to—

3 (i) the number of such prisoners who
4 were released;

5 (ii) the country of origin for each such
6 prisoner; and

7 (iii) any affiliation with a foreign ter-
8 rorist organization for each such prisoner.

9 (B) The capability of the Director of Na-
10 tional Intelligence to identify, track, and mon-
11 itor such prisoners and any associated chal-
12 lenges with such capability.

13 (C) Any action of the with respect to—

14 (i) mitigating the terrorist threats to
15 the United States posed by such prisoners;
16 and

17 (ii) preventing such prisoners from
18 entering the United States.

19 (b) CONGRESSIONAL NOTIFICATION.—Not later than
20 60 days after the date of the enactment of this Act, the
21 Secretary shall—

22 (1) submit to the appropriate congressional
23 committees the threat assessment required under
24 subsection (a); and

1 (2) provide a briefing to the appropriate con-
2 gressional committees on such assessment.

3 (c) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means the congressional defense commit-
7 tees and—

8 (A) the Committee on Homeland Security
9 and the Permanent Select Committee on Intel-
10 ligence of the House of Representatives; and

11 (B) the Committee on Homeland Security
12 and Governmental Affairs and the Select Com-
13 mittee on Intelligence of the Senate.

14 (2) FOREIGN TERRORIST ORGANIZATION.—The
15 term “foreign terrorist organization” means an or-
16 ganization designated as a foreign terrorist organiza-
17 tion under section 219 of the Immigration and Na-
18 tionality Act (8 U.S.C. 1189).

19 **SEC. 1220I. SENSE OF CONGRESS ON THE SERVICE OF**
20 **UNITED STATES ARMED FORCES**
21 **SERVICEMEMBERS IN AFGHANISTAN.**

22 It is the sense of Congress that—

23 (1) the servicemembers of the United States
24 Armed Forces who served in Afghanistan represent
25 the very best of the United States;

1 (2) the service of those who returned home
2 from war with wounds seen and unseen, those who
3 died in defense of the Nation, and those who ulti-
4 mately lost their lives to suicide are not forgotten;
5 and

6 (3) the United States honors these brave mem-
7 bers of the Armed Forces and their families and
8 shall never forget the services they rendered and the
9 sacrifices they and their families made in the de-
10 fense of a grateful Nation.

11 **SEC. 1220J. REPORT AND CERTIFICATION ON THE FATE**
12 **AND DISPOSITION OF MILITARY EQUIPMENT**
13 **BELONGING TO AFGHANISTAN SECURITY**
14 **FORCES.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Defense shall—

17 (1) certify to the congressional defense commit-
18 tees, with respect to military equipment that pre-
19 viously belonged to the Afghanistan security forces
20 and was located in Uzbekistan on September 11,
21 2021—

22 (A) the manner in which it was transferred
23 to a foreign country and the authority under
24 which the equipment was so transferred; and

1 (B) whether, under any circumstances,
2 such equipment could be transferred to the
3 Taliban or to the Islamic Emirate of Afghani-
4 stan; and

5 (2) submit to the congressional defense commit-
6 tees a report on the fate and disposition of military
7 equipment described in such subsection and a de-
8 scription of the circumstances that led to the ulti-
9 mate fate and disposition of such equipment.

10 **SEC. 1220K. PROHIBITION ON FUNDING TO CERTAIN GOV-**
11 **ERNMENTS OF AFGHANISTAN.**

12 None of the funds authorized to be appropriated by
13 this Act or otherwise made available to the Department
14 of Defense for Afghanistan may be made available to any
15 program, project, or activity with the government of Af-
16 ghanistan if such government includes one or more indi-
17 viduals belonging to an organization designated pursuant
18 to section 219 of the Immigration and Nationality Act (8
19 U.S.C. 1189) as a foreign terrorist organization.

1 **Subtitle C—Matters Relating to**
2 **Syria, Iraq, and Iran**

3 **SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY**
4 **TO PROVIDE ASSISTANCE TO VETTED SYRIAN**
5 **GROUPS AND INDIVIDUALS.**

6 (a) IN GENERAL.—Subsection (a) of section 1209 of
7 the Carl Levin and Howard P. “Buck” McKeon National
8 Defense Authorization Act for Fiscal Year 2015 (Public
9 Law 113–291; 128 Stat. 3451) is amended by striking
10 “December 31, 2021” and inserting “December 31,
11 2022”.

12 (b) NOTICE BEFORE PROVISION OF ASSISTANCE.—
13 Subsection (b)(2)(A) of such section is amended by strik-
14 ing “or fiscal year 2021” and inserting “fiscal year 2021,
15 or fiscal year 2022”.

16 **SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY**
17 **TO SUPPORT OPERATIONS AND ACTIVITIES**
18 **OF THE OFFICE OF SECURITY COOPERATION**
19 **IN IRAQ.**

20 (a) LIMITATION ON AMOUNT.—Subsection (c) of sec-
21 tion 1215 of the National Defense Authorization Act for
22 Fiscal Year 2012 (10 U.S.C. 113 note) is amended—

23 (1) by striking “fiscal year 2021” and inserting
24 “fiscal year 2022”; and

1 (2) by striking “\$25,000,000” and inserting
2 “\$30,000,000”.

3 (b) SOURCE OF FUNDS.—Subsection (d) of such sec-
4 tion is amended by striking “fiscal year 2021” and insert-
5 ing “fiscal year 2022”.

6 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**
7 **TO PROVIDE ASSISTANCE TO COUNTER THE**
8 **ISLAMIC STATE OF IRAQ AND SYRIA.**

9 (a) IN GENERAL.—Subsection (a) of section 1236 of
10 the Carl Levin and Howard P. “Buck” McKeon National
11 Defense Authorization Act for Fiscal Year 2015 (Public
12 Law 113–291; 128 Stat. 3558) is amended by striking
13 “December 31, 2021” and inserting “December 31,
14 2022”.

15 (b) FUNDING.—Subsection (g) of such section is
16 amended—

17 (1) by striking “fiscal year 2021” and inserting
18 “fiscal year 2022”; and

19 (2) by striking “\$322,500,000” and inserting
20 “\$345,000,000”.

21 (c) LIMITATION ON AVAILABILITY OF FUNDS.—

22 (1) IN GENERAL.—Of the amounts made avail-
23 able for fiscal year 2021 (and available for obliga-
24 tion as of the date of the enactment of this Act) and
25 fiscal year 2022 to carry out section 1236 of the

1 Carl Levin and Howard P. “Buck” McKeon Na-
2 tional Defense Authorization Act for Fiscal Year
3 2015 (Public Law 113–291; 128 Stat. 3558), not
4 more than 50 percent may be obligated or expended
5 until the date on which the Secretary of Defense and
6 the Secretary of State submit to appropriate con-
7 gressional committees a report that contains the fol-
8 lowing:

9 (A) A comprehensive strategy and plan to
10 train and build lasting and sustainable military
11 capabilities of the Iraqi security forces using ex-
12 isting authorities.

13 (B) A whole-of-government plan to engage
14 the Government of Iraq and the Kurdistan Re-
15 gional Government in security sector reform to
16 professionalize, strengthen, and sustainably
17 build the capacity of Iraq’s national defense
18 and security institutions.

19 (C) A description of the current status, ca-
20 pabilities, and operational capacity of remaining
21 Islamic State of Iraq and Syria elements active
22 in Iraq and Syria.

23 (2) ADDITIONAL REPORTING REQUIREMENT.—

24 The Secretary of Defense and Secretary of State
25 shall submit to appropriate congressional committees

1 a report that contains information relating to any
2 gross violations of human rights committed by units
3 of the Iraqi security forces.

4 (3) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES DEFINED.—In this subsection, the term “ap-
6 propriate congressional committees” means—

7 (A) the congressional defense committees;

8 and

9 (B) the Committee on Foreign Affairs of
10 the House of Representatives and the Com-
11 mittee on Foreign Relations of the Senate.

12 **SEC. 1224. PROHIBITION OF TRANSFERS TO BADR ORGANI-**
13 **ZATION.**

14 None of the amounts authorized to be appropriated
15 by this Act or otherwise made available to the Department
16 of Defense may be made available, directly or indirectly,
17 to the Badr Organization.

18 **SEC. 1225. PROHIBITION ON TRANSFERS TO IRAN.**

19 None of the amounts authorized to be appropriated
20 by this Act or otherwise made available to the Department
21 of Defense may be made available to transfer or facilitate
22 a transfer of pallets of currency, currency, or other items
23 of value to the Government of Iran, any subsidiary of such
24 Government, or any agent or instrumentality of Iran.

1 **SEC. 1226. REPORT ON IRAN-CHINA MILITARY TIES.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, and annually thereafter for 4 years, the
4 Secretary of Defense shall submit to the Committees on
5 Armed Services of the House of Representatives and the
6 Senate a report that includes a detailed assessment of—

7 (1) military ties between China and Iran since
8 the expiration of United Nations Security Resolution
9 2231 in October 2020, including in the form of joint
10 drills, weapons transfers, military visits, illicit pro-
11 curement activities, and other sources of Chinese
12 material support for Iranian military capabilities;
13 and

14 (2) the direct or indirect impact that the sus-
15 pension, issuance, or revocation of any waiver, li-
16 cense, or suspension of economic sanctions on Iran
17 may have on the use or effectiveness of such tools.

18 **SEC. 1227. REPORT ON IRANIAN MILITARY CAPABILITIES.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, and every 180 days thereafter, the Sec-
21 retary of Defense shall submit to the Committees on
22 Armed Services of the House of Representatives and the
23 Senate a report that includes a detailed description of—

24 (1) improvements to Iranian military capabili-
25 ties in the preceding 180-day period, including capa-
26 bilities of the Islamic Revolutionary Guard Corps,

1 the Quds Force, the Artesh, and the Basij, as well
2 as those of its terrorist proxies;

3 (2) all instances of the supply, sale, or transfer
4 of arms or related materiel, including spare parts, to
5 or from Iran as well as all instances of missile
6 launches by Iran, including for the purposes of test-
7 ing and development or use in military operations;
8 and

9 (3) the direct or indirect impact that the sus-
10 pension, issuance, or revocation of any waiver, li-
11 cense, or suspension of economic sanctions on Iran
12 may have on the military capabilities described in
13 paragraph (1).

14 **SEC. 1228. REPORT ON IRANIAN TERRORIST PROXIES.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, and every 180 days thereafter, the Sec-
17 retary of Defense shall submit to the Committees on
18 Armed Services of the House of Representatives and the
19 Senate a report that includes a detailed description of—

20 (1) improvements to the military capabilities of
21 Iran-backed militias, including Lebanese Hezbollah,
22 Asa'ib ahl al-Haq, Harakat Hezbollah al-Nujaba,
23 Kata'ib Sayyid al-Shuhada, Kata'ib al-Imam Ali,
24 Kata'ib Hezbollah, the Badr Organization, the

1 Fatemiyoun, the Zainabiyoun, and Ansar Allah (also
2 known as the Houthis); and

3 (2) the direct or indirect impact that the sus-
4 pension, issuance, or revocation of any waiver, li-
5 cense, or suspension of economic sanctions on Iran
6 may have on such capabilities.

7 **SEC. 1229. SENSE OF CONGRESS REGARDING ISRAEL.**

8 It is the sense of Congress that—

9 (1) since 1948, Israel has been one of the
10 strongest friends and allies of the United States;

11 (2) Israel is a stable, democratic country in a
12 region often marred by turmoil;

13 (3) it is essential to the strategic interest of the
14 United States to continue to offer full security as-
15 sistance and related support to Israel; and

16 (4) such assistance and support is especially
17 vital as Israel confronts a number of potential chal-
18 lenges at the present time, including continuing
19 threats from Iran.

20 **SEC. 1229A. SENSE OF CONGRESS ON ENRICHMENT OF**
21 **URANIUM BY IRAN.**

22 It is the sense of Congress that—

23 (1) the Government of Iran's decision to enrich
24 uranium up to 60 percent purity is a further esca-
25 lation and shortens the breakout time to produce

1 enough highly enriched uranium to develop a nuclear
2 weapon; and

3 (2) the Government of Iran should immediately
4 abandon any pursuit of a nuclear weapon.

5 **SEC. 1229B. REPORT ON IRANIAN OPERATIONS ON UNITED**
6 **STATES SOIL.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the President shall sub-
9 mit to the appropriate congressional committees a report,
10 including a strategy described in subsection (b)(4), that
11 contains a description of malign operations by Iran con-
12 ducted on United States soil.

13 (b) ELEMENTS.—The report required by subsection
14 (a) shall also include the following elements:

15 (1) A public list of all Iran-backed terrorist at-
16 tacks, kidnapping, export violations, sanctions bust-
17 ing activities, cyber-attacks, and money laundering
18 operations on United States soil since 1979, includ-
19 ing attempts at such activities that resulted in the
20 filing of criminal charges.

21 (2) The actions of the United States in re-
22 sponse to each activity or attempted activity listed
23 pursuant to paragraph (1).

24 (3) A description of what persons, entities, and
25 governments have aided Iran in such malign activi-

1 ties on United States soil, including terrorist organi-
2 zations.

3 (4) A strategy to prevent Iran from kidnapping
4 American citizens and to deter Iran from conducting
5 or planning operations such as the foiled plot to kid-
6 nap Masih Alinejad.

7 (c) FORM.—The report and strategy required by sub-
8 section (a) shall be submitted in unclassified form, but
9 may include a classified annex. It shall also be publicly
10 available on a website operated by the Federal Govern-
11 ment.

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the Committee on Armed Services, the
16 Committee on Foreign Relations, and the Committee
17 on the Judiciary of the Senate; and

18 (2) the Committee on Armed Services, the
19 Committee on Foreign Affairs, and the Committee
20 on the Judiciary of the House of Representatives.

21 **SEC. 1229C. CONGRESSIONAL NOTIFICATION REGARDING**
22 **CRYPTOCURRENCY PAYMENTS BY THE DE-**
23 **PARTMENT OF STATE.**

24 (a) IN GENERAL.—Subsection (e) of section 36 of the
25 State Department Basic Authorities Act of 1956 (22

1 U.S.C. 2708) is amended by adding at the end the fol-
2 lowing new paragraph:

3 “(7) NOTIFICATION.—The Secretary of State
4 shall notify the appropriate congressional committees
5 not later than 15 days before payment in
6 cryptocurrency of a reward under this section.”.

7 (b) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary of State shall
9 submit to the appropriate congressional committees a re-
10 port on the use of cryptocurrency as a part of the Depart-
11 ment of State Rewards Program pursuant to section 36
12 of the of the State Department Basic Authorities Act of
13 1956 (22 U.S.C. 2708). Such report shall—

14 (1) explain why the Department of State made
15 the determination to pay out rewards in
16 cryptocurrency;

17 (2) lists each cryptocurrency payment already
18 paid by the Department;

19 (3) provides evidence as to why cryptocurrency
20 payments would be more likely to induce whistle-
21 blowers to come forward with information than re-
22 wards paid out in United States dollars or other
23 prizes;

1 (4) analyzes how the Department’s use of
2 cryptocurrency could undermine the dollar’s status
3 as the global reserve currency; and

4 (5) examines if the Department’s use of
5 cryptocurrency could provide bad actors with addi-
6 tional hard-to-trace funds that could be used for
7 criminal or illicit purposes.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means—

11 (1) the Committee on Foreign Affairs of the
12 House of Representatives;

13 (2) the Committee on Foreign Relations of the
14 Senate.

15 **SEC. 1229D. SUPPORT FOR FORCES IN IRAQ OPERATING IN**
16 **THE NINEVEH PLAINS REGION OF IRAQ.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the United States should work with the Govern-
19 ment of Iraq to ensure the safe and voluntary return of
20 ethno-religious minority populations to their home commu-
21 nities in the Nineveh Plains region of Iraq.

22 (b) STRATEGY.—

23 (1) IN GENERAL.—Not later than 120 days
24 after the date of the enactment of this Act, the Sec-
25 retary of State, in consultation with the heads of

1 other relevant Federal departments and agencies,
2 shall provide to the appropriate congressional com-
3 mittees a strategy to assist the Government of Iraq
4 and relevant local authorities with the safe return of
5 ethno-religious minorities displaced by violence in
6 the Nineveh Plains region of Iraq.

7 (2) ELEMENTS.—The strategy required by this
8 subsection should include the following:

9 (A) A strategy to support a political and
10 security climate that allows ethno-religious mi-
11 norities in the Nineveh Plains region to safely
12 and voluntarily return to their home commu-
13 nities as well as to administer and secure their
14 own areas in cooperation with federal authori-
15 ties.

16 (B) An assessment of the impact of the
17 Iraq and Syria Genocide Relief and Account-
18 ability Act of 2018 (Public Law 115–300) on
19 return rates of vulnerable, indigenous, ethno-re-
20 ligious groups, including Assyrians and Yazidis,
21 in those areas of the Nineveh Plains region in
22 which funds have been spent.

23 (C) A description of the progress of and
24 ability to integrate minority security forces pre-
25 viously trained by Combined Joint Task Force-

1 Operation Inherent Resolve (CJTF-OIR), such
2 as the Nineveh Plain Protection Units, into the
3 formal and permanent Iraqi state institutions.

4 (D) A description of the negative impact of
5 Iranian-backed militias, such as PMF Brigades
6 30 and 50, on rates of return to, and ongoing
7 safety of communities within, the Nineveh
8 Plains region.

9 **SEC. 1229E REPORT ON THE THREAT POSED BY IRANIAN-**
10 **BACKED MILITIAS IN IRAQ.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of the enactment of this Act, the Secretary of De-
13 fense, in consultation with the Secretary of State, shall
14 submit to the appropriate congressional committees a re-
15 port on the short- and long-term threats posed by Iranian-
16 backed militias in Iraq to Iraq and to United States per-
17 sons and interests.

18 (b) ELEMENTS.—The report required by subsection
19 (a) shall include the following:

20 (1) A detailed description of acts of violence
21 and intimidation that Iranian-backed militias in Iraq
22 have committed against Iraqi civilians during the
23 previous two years.

24 (2) A detailed description of the threat that
25 Iranian-backed militias in Iraq pose to United States

1 persons in Iraq and in the Middle East, including
2 United States Armed Forces and diplomats.

3 (3) A detailed description of the threat Iranian-
4 backed militias in Iraq pose to United States part-
5 ners in the region.

6 (4) A detailed description of the role that Ira-
7 nian-backed militias in Iraq, including the Badr
8 Corps, play in Iraq’s armed forces and security serv-
9 ices, including Iraq’s Popular Mobilization Forces.

10 (5) An assessment of whether, and to what ex-
11 tent, any Iranian-backed militia in Iraq, or member
12 of such militia, was provided assistance directly or
13 indirectly from the Department of Defense or had il-
14 licit access to United States-origin defense equip-
15 ment provided to Iraq since 2014 and the response
16 from the Government of Iraq to each incident.

17 (c) FORM.—The report required by subsection (a)
18 shall be submitted in unclassified form, but may include
19 a classified annex only if such annex is provided separately
20 from the unclassified report.

21 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
22 DEFINED.—In this section, the term “appropriate con-
23 gressional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives; and

4 (2) the Committee on Armed Services and the
5 Committee Foreign Relations of the Senate.

6 **SEC. 1229F. REPORT ON UNITED NATIONS ARMS EMBARGO**
7 **ON IRAN.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the President shall submit to the Com-
10 mittee on Armed Services and the Committee on Foreign
11 Affairs of the House of Representatives and Committee
12 on Armed Services and the Committee on Foreign Rela-
13 tions of the Senate a report that includes a detailed de-
14 scription of the following:

15 (1) An assessment of the United Nations arms
16 embargo on Iran and its effectiveness in con-
17 straining Iran's ability to supply, sell, or transfer,
18 directly or indirectly, arms or related materiel, in-
19 cluding spare parts, while the embargo was in effect.

20 (2) The measures that the Departments of De-
21 fense and State are taking, in the absence of such
22 a United Nations arms embargo on Iran, to con-
23 strain Iranian arms proliferation and advance an
24 equally robust, global prohibition on the supply, sale,
25 or transfer, of weapons to or from Iran.

1 **SEC. 1229G. REPORT ON IRGC-AFFILIATED OPERATIVES**
2 **ABROAD.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, and every 180 days thereafter, the Presi-
5 dent shall submit to the Committee on Armed Services
6 and the Committee on Foreign Affairs of the House of
7 Representatives and Committee on Armed Services and
8 the Committee on Foreign Relations of the Senate a re-
9 port that includes a detailed description of the following:

10 (1) All IRGC-affiliated operatives serving in
11 diplomatic and consular posts outside of Iran.

12 (2) The ways in which the Department of De-
13 fense, in coordination with the Department of State,
14 is working with partner countries to inform them of
15 the threat posed by IRGC-affiliated operatives, who
16 are also operatives of a designated foreign terrorist
17 organization, and to reduce the presence of such
18 operatives.

19 **Subtitle D—Matters Relating to**
20 **Russia**

21 **SEC. 1231. EXTENSION OF LIMITATION ON MILITARY CO-**
22 **OPERATION BETWEEN THE UNITED STATES**
23 **AND RUSSIA.**

24 Section 1232(a) of the National Defense Authoriza-
25 tion Act for Fiscal Year 2017 (Public Law 114–328; 130

1 Stat. 2488), is amended by striking “2020, or 2021” and
2 inserting “2020, 2021, or 2022”.

3 **SEC. 1232. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
4 **LATING TO SOVEREIGNTY OF RUSSIA OVER**
5 **CRIMEA.**

6 (a) PROHIBITION.—None of the funds authorized to
7 be appropriated by this Act or otherwise made available
8 for fiscal year 2022 for the Department of Defense may
9 be obligated or expended to implement any activity that
10 recognizes the sovereignty of Russia over Crimea.

11 (b) WAIVER.—The Secretary of Defense, with the
12 concurrence of the Secretary of State, may waive the re-
13 striction on the obligation or expenditure of funds required
14 by subsection (a) if the Secretary of Defense—

15 (1) determines that to do so is in the national
16 security interest of the United States; and

17 (2) submits a notification of the waiver, at the
18 time the waiver is invoked, to the Committee on
19 Armed Services and the Committee on Foreign Af-
20 fairs of the House of Representatives and the Com-
21 mittee on Armed Services and the Committee on
22 Foreign Relations of the Senate.

1 **SEC. 1233. MODIFICATION AND EXTENSION OF UKRAINE SE-**
2 **CURITY ASSISTANCE INITIATIVE.**

3 Section 1250 of the National Defense Authorization
4 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
5 1068) is amended as follows:

6 (1) In subsection (e)—

7 (A) in paragraph (1), by striking “funds
8 available for fiscal year 2021 pursuant to sub-
9 section (f)(6)” and inserting “funds available
10 for fiscal year 2022 pursuant to subsection
11 (f)(7)”;

12 (B) in paragraph (3), by striking “fiscal
13 year 2021” and inserting “fiscal year 2022”;
14 and

15 (C) in paragraph (5), by striking “Of the
16 funds available for fiscal year 2021 pursuant to
17 subsection (f)(6), \$75,000,000 shall be avail-
18 able” and inserting “Of the funds available for
19 fiscal year 2022 pursuant to subsection (f)(7),
20 \$50,000,000 shall be available”.

21 (2) In subsection (f), by adding at the end the
22 following:

23 “(7) For fiscal year 2022, \$300,000,000.”.

24 (3) In subsection (h), by striking “December
25 31, 2023” and inserting “December 31, 2024”.

1 **SEC. 1234. REPORT ON OPTIONS FOR ASSISTING THE GOV-**
2 **ERNMENT OF UKRAINE IN ADDRESSING INTE-**
3 **GRATED AIR AND MISSILE DEFENSE GAPS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the United States remains a steadfast part-
7 ner of Ukraine; and

8 (2) it is in the United States national security
9 interest assist the Government of Ukraine in coun-
10 tering Russian military aggression.

11 (b) REPORT.—Not later than 90 days after the date
12 of the enactment of this Act, the Secretary of Defense
13 shall submit to the congressional defense committees a re-
14 port on options for how the United States could support
15 the Government of Ukraine in addressing integrated air
16 and missile defense gaps. Such report shall include options
17 for the foreign military sale of United States systems or
18 the transfer of existing systems that are not being allo-
19 cated through global force management.

20 **SEC. 1235. BIENNIAL REPORT ON RUSSIAN INFLUENCE OP-**
21 **ERATIONS AND CAMPAIGNS TARGETING**
22 **MILITARY ALLIANCES AND PARTNERSHIPS**
23 **OF WHICH THE UNITED STATES IS A MEM-**
24 **BER.**

25 (a) REPORT REQUIRED.—Not later than April 1,
26 2022, and on a biennial basis thereafter until April 1,

1 2024, the Secretary of Defense and the Secretary of State,
2 in coordination with the Director of National Intelligence
3 and the heads of any other appropriate department or
4 agency, shall jointly submit to the appropriate congress-
5 sional committees a report on Russian influence oper-
6 ations and campaigns that target United States military
7 alliances and partnerships.

8 (b) ELEMENTS.—The report required under sub-
9 section (a) shall include each of the following:

10 (1) An assessment of Russia’s objectives for in-
11 fluence operations and campaigns targeting United
12 States military alliances and partnerships and how
13 such objectives relate to Russia’s broader strategic
14 aims.

15 (2) The activities and roles of the Department
16 of Defense and Department of State in the United
17 States government strategy to counter such Russian
18 influence operations and campaigns.

19 (3) A comprehensive list of specific Russian
20 state and non-state entities, or those of any other
21 country with which Russia may cooperate, involved
22 in supporting such Russian influence operations and
23 campaigns and the role of each entity in such sup-
24 port.

1 (4) An identification of the tactics, techniques,
2 and procedures used in previous Russian influence
3 operations and campaigns.

4 (5) An assessment of the impact of previous
5 Russian influence operations and campaigns tar-
6 geting United States military alliances and partner-
7 ships, including the views of senior Russian officials
8 about the effectiveness of such operations and cam-
9 paigns in achieving Russian objectives.

10 (6) An identification of each United States ally
11 and partner, and each military alliance of which the
12 United States is a member, that has been targeted
13 by Russian influence operations and campaigns.

14 (7) An identification of each United States ally
15 and partner, and each military alliance of which the
16 United States is a member, that may be targeted in
17 future Russian influence operations and campaigns,
18 and an assessment of the likelihood that each such
19 ally, partner, or alliance will be targeted.

20 (8) An identification of tactics, techniques, and
21 procedures likely to be used in future Russian influ-
22 ence operations and campaigns targeting United
23 States military alliances and partnerships.

24 (9) Recommended authorities or activities for
25 the Department of Defense and Department of State

1 in the United States government strategy to counter
2 such Russian influence operations and campaigns.

3 (10) Any other matters the Secretaries deter-
4 mine appropriate.

5 (c) FORM; UPDATES.—

6 (1) FORM.—The report required under sub-
7 section (a) shall be submitted in unclassified form
8 and in a manner appropriate for release to the pub-
9 lic, but may include a classified annex.

10 (2) UPDATES.—Each report submitted pursu-
11 ant to subsection (a) after the submission of the
12 first report shall highlight changes and new develop-
13 ments that have occurred since the previous report
14 and may omit to restate in full the contents of any
15 previous report.

16 (d) DEFINITIONS.—In this section:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the congressional defense committees;

21 (B) the Permanent Select Committee on
22 Intelligence of the House of Representatives
23 and the Select Committee on Intelligence of the
24 Senate; and

1 (C) the Committee on Foreign Affairs of
2 the House of Representatives and the Com-
3 mittee on Foreign Relations of the Senate.

4 (2) UNITED STATES MILITARY ALLIANCES AND
5 PARTNERSHIPS.—The term “United States military
6 alliances and partnerships” includes each military
7 alliance or partnership of which the United States is
8 a member.

9 **SEC. 1236. SENSE OF CONGRESS ON GEORGIA.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) Georgia is a valued friend of the United
12 States and has repeatedly demonstrated its commit-
13 ment to advancing the mutual interests of both
14 countries, including strong participation in the State
15 Partnership Program of the National Guard between
16 the Georgia National Guard and the Georgian armed
17 forces.

18 (2) The contributions of the Georgian armed
19 forces have been remarkable with members of the
20 Georgia National Guard having fought side-by-side
21 with Georgian soldiers in Iraq and Afghanistan.

22 (3) Georgia’s geographic location gives it stra-
23 tegic importance as a transit corridor.

24 (4) The resilience of Georgia’s democratic insti-
25 tutions is critical to its Euro-Atlantic integration.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the United States should—

3 (1) reaffirm support for an enduring strategic
4 partnership between the United States and Georgia;

5 (2) support Georgia’s sovereignty and territorial
6 integrity within its internationally recognized bor-
7 ders and not recognize the independence of the
8 Abkhazia and South Ossetia regions currently occu-
9 pied by the Russian Federation;

10 (3) continue support for multi-domain security
11 assistance for Georgia in the form of lethal and non-
12 lethal measures to build resiliency, bolster deterrence
13 against Russian aggression, and promote stability in
14 the region, by—

15 (A) strengthening defensive capabilities
16 and promote readiness; and

17 (B) improving interoperability with NATO
18 forces;

19 (4) further enhance security cooperation and
20 engagement with Georgia and other Black Sea re-
21 gional partners; and

22 (5) continue to work with Georgia’s political
23 leaders to strengthen Georgia’s democratic institu-
24 tions.

1 **SEC. 1237. COOPERATION BETWEEN THE UNITED STATES**
2 **AND UKRAINE REGARDING THE TITANIUM IN-**
3 **DUSTRY.**

4 (a) SENSE OF CONGRESS.—It is the sense of the Con-
5 gress that cooperation in the titanium industry is a stra-
6 tegic priority in United States-Ukraine relations.

7 (b) STATEMENT OF POLICY.—It is the policy of the
8 United States to engage with the government of Ukraine
9 in cooperation in the titanium industry as an alternative
10 to Chinese and Russian sources on which the United
11 States and European defense industrial bases currently
12 depend.

13 (c) REPORTING REQUIREMENT.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary of Defense shall submit to the appropriate congres-
16 sional committees a report that describes the feasibility
17 of utilizing titanium sources from Ukraine as a potential
18 alternative to Chinese and Russian sources for the defense
19 industrial base.

20 (d) FORM.—The report required by subsection (c)
21 shall be submitted in unclassified form, but may include
22 a classified annex.

23 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—
24 In this section, the term “appropriate congressional com-
25 mittees” means the Committees on Armed Services and
26 on Foreign Relations of the Senate and the Committees

1 on Armed Services and on Foreign Affairs of the House
2 of Representatives.

3 **Subtitle E—Matters Relating to the**
4 **Indo-Pacific Region**

5 **SEC. 1241. SENSE OF CONGRESS ON A FREE AND OPEN**
6 **INDO-PACIFIC REGION.**

7 It is the sense of Congress that—

8 (1) the United States is steadfast in its commit-
9 ment to upholding the rules-based international
10 order, freedom of navigation, and shared values in a
11 free and open Indo-Pacific region;

12 (2) maintenance of a free and open Indo-Pacific
13 region is essential to global security and crucial to
14 the national security objectives of the United States,
15 its allies, and partners;

16 (3) United States alliances and partnerships are
17 the cornerstone of efforts to deter aggression and
18 counter malign activity by the Governments of the
19 People’s Republic of China and the Democratic Peo-
20 ple’s Republic of North Korea, and to ensure the
21 maintenance of a free and open Indo-Pacific region;

22 (4) the United States remains steadfast in its
23 commitments to allies and partners against aggres-
24 sion and malign activity, and will continue to
25 strengthen cooperation in bilateral relationships,

1 multilateral partnerships such as the Quad, and
2 other international fora to uphold global security
3 and shared principles;

4 (5) the United States should continue to invest
5 in enhanced military posture and capabilities in the
6 United States Indo-Pacific Command area of re-
7 sponsibility; and

8 (6) the United States condemns the People’s
9 Republic of China’s ongoing genocide and violation
10 of fundamental human rights in Xinjiang.

11 **SEC. 1242. CLARIFICATION OF REQUIRED BUDGET INFOR-**
12 **MATION RELATED TO THE INDO-PACIFIC.**

13 Section 1251(e) of the National Defense Authoriza-
14 tion Act for Fiscal Year 2021 (Public Law 116–283) is
15 amended by adding at the end the following:

16 “(10) A description of the manner and extent
17 to which the amounts, summaries, and comparisons
18 required by this subsection directly address the
19 items identified in—

20 “(A) the independent assessment required
21 under section 1253 of the National Defense Au-
22 thorization Act for Fiscal Year 2020 (Public
23 Law 116-92); and

24 “(B) the plan required by subsection (d).”.

1 **SEC. 1243. REPORT ON COOPERATION BETWEEN THE NA-**
2 **TIONAL GUARD AND TAIWAN.**

3 (a) REPORT.—Not later than February 15, 2022, the
4 Secretary of Defense shall submit to appropriate congres-
5 sional committees a report on the feasibility and advis-
6 ability of enhanced cooperation between the National
7 Guard and Taiwan. Such report shall include the fol-
8 lowing:

9 (1) A description of the cooperation between the
10 National Guard and Taiwan during the 10 preceding
11 calendar years, including mutual visits, exercises,
12 training, and equipment opportunities.

13 (2) An evaluation of the feasibility and advis-
14 ability of enhancing cooperation between the Na-
15 tional Guard and Taiwan on a range of activities, in-
16 cluding—

17 (A) disaster and emergency response;

18 (B) cyber defense and communications se-
19 curity;

20 (C) military medical cooperation;

21 (D) cultural exchange and education of
22 members of the National Guard in Mandarin
23 Chinese; and

24 (E) programs for National Guard advisors
25 to assist in training the reserve components of
26 the military forces of Taiwan.

1 (3) Recommendations to enhance such coopera-
2 tion and improve interoperability, including through
3 familiarization visits, cooperative training and exer-
4 cises, and co-deployments.

5 (4) Any other matter the Secretary of Defense
6 determines appropriate.

7 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
8 In this section, the term “appropriate congressional com-
9 mittees” means—

10 (1) the congressional defense committees;

11 (2) the Committee on Foreign Affairs of the
12 House of Representatives; and

13 (3) the Committee on Foreign Relations of the
14 Senate.

15 **SEC. 1244. REPORT ON MILITARY AND SECURITY DEVELOP-**
16 **MENTS INVOLVING THE PEOPLE’S REPUBLIC**
17 **OF CHINA.**

18 (a) IN GENERAL.—Not later than January 31, 2022,
19 and annually thereafter until January 31, 2026, the Sec-
20 retary of Defense, in consultation with the heads of other
21 Federal departments and agencies as appropriate, shall
22 submit to the appropriate congressional committees a re-
23 port, in both classified and unclassified form, on military
24 and security developments involving the People’s Republic
25 of China.

1 (b) MATTERS TO BE ADDRESSED.—The report re-
2 quired by subsection (a) shall address the following:

3 (1) The current and probable future course of
4 military-technological development of the People’s
5 Liberation Army and the tenets and probable devel-
6 opment of Chinese security strategy and military
7 strategy, and of military organizations and oper-
8 ational concepts, through the next 20 years.

9 (2) United States-China engagement and co-
10 operation on security matters during the period cov-
11 ered by the report, including through United States-
12 China military-to-military contacts, and the United
13 States strategy for such engagement and cooperation
14 in the future.

15 (c) MATTERS TO BE INCLUDED.—The report re-
16 quired by subsection (a) shall include analyses and fore-
17 casts of the following:

18 (1) The objectives, factors, and trends shaping
19 Chinese security strategy and military strategy.

20 (2) Developments in China’s defense policy,
21 military strategy, and the roles and missions of the
22 People’s Liberation Army.

23 (3) The People’s Liberation Army’s role in the
24 Chinese Communist Party, including the structure
25 and leadership of the Central Military Commission.

1 (4) Developments in the People’s Liberation
2 Army’s military doctrine, operational concepts, joint
3 command and organizational structures, and signifi-
4 cant military operations and deployments.

5 (5) Trends and developments in the People’s
6 Liberation Army’s budget and resources and strate-
7 gies and policies related to science and technology,
8 defense industry reform, and China’s use of espio-
9 nage and technology transfers.

10 (6) Developments and future course of the Peo-
11 ple’s Liberation Army’s theater and functional com-
12 mands, including their roles and missions, structure,
13 and the size, location, and capabilities of their stra-
14 tegic, land, sea, air, and other forces, and the
15 strengths or weaknesses thereof.

16 (7) A detailed summary of the order of battle
17 of the People’s Liberation Army, including—

18 (A) anti-access and area denial capabili-
19 ties;

20 (B) ballistic and cruise missile inventories;

21 (C) cyberwarfare and electronic warfare
22 capabilities;

23 (D) space and counter space programs and
24 capabilities;

25 (E) nuclear program and capabilities; and

1 (F) command, control, communications,
2 computers, intelligence, surveillance, and recon-
3 naissance modernization program and capabili-
4 ties.

5 (8) Developments relating to the China Coast
6 Guard.

7 (9) Developments in the People's Liberation
8 Army's overseas presence, including military basing,
9 military logistics capabilities and infrastructure, ac-
10 cess to foreign ports or military bases, and whether
11 such presence could affect United States national se-
12 curity or defense interests.

13 (10) The relationship between Chinese overseas
14 investment and Chinese security and military strat-
15 egy objectives.

16 (11) A description of any significant sale or
17 transfer of military hardware, expertise, and tech-
18 nology to or from the People's Republic of China, in-
19 cluding a forecast of possible future sales and trans-
20 fers.

21 (12) Efforts, including by espionage and tech-
22 nology transfers through investment, by China to de-
23 velop, acquire, or gain access to advanced tech-
24 nologies that would enhance military capabilities.

1 (13) The People’s Liberation Army’s internal
2 security role and its affiliations with the People’s
3 Armed Police and other Chinese law enforcement,
4 intelligence, and paramilitary entities, including any
5 activities supporting or implementing mass surveil-
6 lance, mass detentions, forced labor, or other gross
7 violations of human rights.

8 (14) A description of Chinese military-to-mili-
9 tary relationships with other countries, including the
10 Russian Federation.

11 (15) China’s strategy regarding Taiwan and the
12 security situation in the Taiwan Strait.

13 (16) A description of China’s maritime strat-
14 egy, its military and nonmilitary activities in the
15 South China Sea and East China Sea, to include
16 roles and activities of the People’s Liberation Army
17 and China’s maritime law enforcement and para-
18 military organizations.

19 (17) The current state of United States mili-
20 tary-to-military contacts with the People’s Libera-
21 tion Army, including a summary of such contacts
22 during the period covered by the report, a descrip-
23 tion of such contacts for the 12-month period fol-
24 lowing the report, the Secretary’s assessment of the
25 benefits of such contacts, and the Secretary’s certifi-

1 cation whether or not any military-to-military ex-
2 change or contact was conducted during the period
3 covered by the report in violation of section 1201(a)
4 of the National Defense Authorization Act for Fiscal
5 Year 2000 (10 U.S.C. 311 note).

6 (18) Other significant military and security de-
7 velopments involving China that the Secretary of
8 Defense considers relevant to United States national
9 security.

10 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

11 In this section, the term “appropriate congressional com-
12 mittees” means—

13 (1) the Committee on Armed Services, the
14 Committee on Foreign Relations, and the Select
15 Committee on Intelligence of the Senate; and

16 (2) the Committee on Armed Services, the
17 Committee on Foreign Affairs, and the Permanent
18 Select Committee on Intelligence of the House of
19 Representatives.

1 **SEC. 1245. BIENNIAL REPORT ON INFLUENCE OPERATIONS**
2 **AND CAMPAIGNS OF THE GOVERNMENT OF**
3 **THE PEOPLE'S REPUBLIC OF CHINA TAR-**
4 **GETING MILITARY ALLIANCES AND PART-**
5 **NERSHIPS OF WHICH THE UNITED STATES IS**
6 **A MEMBER.**

7 (a) IN GENERAL.—Not later than April 1, 2022, and
8 on a biennial basis thereafter until April 1, 2024, the Sec-
9 retary of Defense and the Secretary of State, in coordina-
10 tion with the Director of National Intelligence and the
11 heads of other Federal departments and agencies as ap-
12 propriate, shall submit to the appropriate congressional
13 committees a report on the influence operations and cam-
14 paigns of the Government of the People's Republic of
15 China (PRC) targeting military alliances and partnerships
16 of which the United States is a member.

17 (b) MATTERS TO BE INCLUDED.—The report re-
18 quired by subsection (a) shall include the following:

19 (1) An assessment of the PRC Government's
20 objectives in such operations and campaigns and
21 how such objectives relate to the PRC Government's
22 broader strategic aims.

23 (2) The activities and roles of the Department
24 of Defense and Department of State in the United
25 States Government strategy to counter such influ-

1 ence operations and campaigns of the PRC Govern-
2 ment.

3 (3) A comprehensive list of specific PRC state
4 and non-state entities, or any other states with
5 which the PRC may cooperate, involved in sup-
6 porting such operations and campaigns and the role
7 of each such entity in supporting such operations
8 and campaigns.

9 (4) An identification of the tactics, techniques,
10 and procedures used in previous influence operations
11 and campaigns of the PRC Government.

12 (5) An assessment of the impact of previous in-
13 fluence operations and campaigns of the PRC Gov-
14 ernment, including the views of senior PRC Govern-
15 ment officials about their effectiveness in achieving
16 PRC Government objectives.

17 (6) An identification of all United States mili-
18 tary alliances and partnerships that have been tar-
19 geted by influence operations and campaigns of the
20 PRC Government.

21 (7) An identification of all United States mili-
22 tary alliances and partnerships that may be targeted
23 in future influence operations and campaigns of the
24 PRC Government and an assessment of the likeli-

1 hood that each such partnership or alliance will be
2 targeted.

3 (8) An identification of tactics, techniques, and
4 procedures likely to be used in future influence oper-
5 ations and campaigns of the PRC Government.

6 (9) Recommended authorities or activities for
7 the Department of Defense and Department of State
8 in the United States Government strategy to counter
9 such influence operations and campaigns of the PRC
10 Government.

11 (10) Any other matters the Secretaries deter-
12 mine to be appropriate.

13 (c) FORM.—The report required by subsection (a)
14 shall be submitted in unclassified form and appropriate
15 for release to the public, but may include a classified
16 annex.

17 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
18 DEFINED.—In this section, the term “appropriate con-
19 gressional committees” means—

20 (1) the congressional defense committees;

21 (2) the Committee on Foreign Relations and
22 the Select Committee on Intelligence of the Senate;
23 and

1 (3) the Committee on Foreign Affairs and the
2 Permanent Select Committee on Intelligence of the
3 House of Representatives.

4 **SEC. 1246. REPORT ON EFFORTS BY THE PEOPLE'S REPUB-**
5 **LIC OF CHINA TO EXPAND ITS PRESENCE**
6 **AND INFLUENCE IN LATIN AMERICA AND THE**
7 **CARIBBEAN.**

8 (a) REPORT.—Not later than June 15, 2022, the
9 Secretary of Defense, with the concurrence of the Sec-
10 retary of State and in coordination with the Secretary of
11 the Treasury and the Director of National Intelligence,
12 shall submit to the appropriate congressional committees
13 a report that identifies efforts by the Government of the
14 People's Republic of China to expand its presence and in-
15 fluence in Latin America and the Caribbean through dip-
16 lomatic, military, economic, and other means, and de-
17 scribes the implications of such efforts on the United
18 States' national defense and security interests.

19 (b) ELEMENTS.—The report required under sub-
20 section (a) shall include the following:

21 (1) An identification of—

22 (A) countries of Latin America and the
23 Caribbean with which the Government of the
24 People's Republic of China maintains especially

1 close diplomatic, military, and economic rela-
2 tionships;

3 (B) the number and content of strategic
4 partnership agreements or similar agreements,
5 including any non-public, secret, or informal
6 agreements, that the Government of the Peo-
7 ple's Republic of China has established with
8 countries and regional organizations of Latin
9 America and the Caribbean;

10 (C) countries of Latin America and the
11 Caribbean that have joined the Belt and Road
12 Initiative or the Asian Infrastructure Invest-
13 ment Bank;

14 (D) countries of Latin America and the
15 Caribbean to which the Government of the Peo-
16 ple's Republic of China provides foreign assist-
17 ance or disaster relief, including access to
18 COVID-19 vaccines, including a description of
19 the amount and purpose of, and any conditions
20 attached to, such assistance;

21 (E) countries and regional organizations of
22 Latin America and the Caribbean in which the
23 Government of the People's Republic of China,
24 including its state-owned or state-directed en-
25 terprises and banks, have undertaken signifi-

1 cant investments, infrastructure projects, and
2 correspondent banking and lending activities at
3 the regional, national, and subnational levels;

4 (F) recent visits by senior officials of the
5 Government of the People’s Republic of China,
6 including its state-owned or state-directed en-
7 terprises and banks, to Latin America and the
8 Caribbean, and visits by senior officials from
9 Latin America and the Caribbean to the Peo-
10 ple’s Republic of China;

11 (G) the existence of any defense exchanges,
12 military or police education or training, and ex-
13 ercises between any military or police organiza-
14 tion of the Government of the People’s Republic
15 of China and military, police, or security-ori-
16 ented organizations of countries of Latin Amer-
17 ica and the Caribbean;

18 (H) countries and regional organizations of
19 Latin America and the Caribbean that maintain
20 diplomatic relations with Taiwan;

21 (I) any steps that the Government of the
22 People’s Republic of China has taken to encour-
23 age countries and regional organizations of
24 Latin America and the Caribbean to switch dip-

1 diplomatic relations to the People's Republic of
2 China instead of Taiwan; and

3 (J) any other matters the Secretary of De-
4 fense and the Secretary of State determine is
5 appropriate.

6 (2) A detailed description of—

7 (A) the relationship between the Govern-
8 ment of the People's Republic of China and the
9 Government of Venezuela and the Government
10 of Cuba;

11 (B) Government of the People's Republic
12 of China military installations, assets, and ac-
13 tivities in Latin America and the Caribbean
14 that currently exist or are planned for the fu-
15 ture;

16 (C) sales or transfers of defense articles
17 and services by the Government of the People's
18 Republic of China to countries of Latin Amer-
19 ica and the Caribbean;

20 (D) a comparison of sales and transfers of
21 defense articles and services to countries of
22 Latin America and the Caribbean by the Gov-
23 ernment of the People's Republic of China, the
24 Russian Federation, and the United States;

1 (E) any other form of military, para-
2 military, or security cooperation between the
3 Government of the People’s Republic of China
4 and the governments of countries of Latin
5 America and the Caribbean;

6 (F) the nature, extent, and purpose of the
7 Government of the People’s Republic of China’s
8 intelligence activities in Latin America and the
9 Caribbean;

10 (G) the Government of the People’s Re-
11 public of China’s role in transnational crime in
12 Latin America and the Caribbean, including
13 trafficking and money laundering and including
14 any links to the People’s Liberation Army;

15 (H) efforts by the Government of the Peo-
16 ple’s Republic of China to expand the reach and
17 influence of its financial system within Latin
18 America and the Caribbean, through banking
19 activities and payments systems and through
20 goods and services related to the use of the dig-
21 ital yuan; and

22 (I) efforts by the Government of the Peo-
23 ple’s Republic of China to build its media pres-
24 ence in Latin America and the Caribbean, and
25 any government-directed disinformation or in-

1 formation warfare campaigns in the region, in-
2 cluding for military purposes or with ties to the
3 People’s Liberation Army.

4 (3) An assessment of—

5 (A) the specific objectives that the Govern-
6 ment of the People’s Republic of China seeks to
7 achieve by expanding its presence and influence
8 in Latin America and the Caribbean, including
9 any objectives articulated in official documents
10 or statements;

11 (B) whether certain investments by the
12 Government of the People’s Republic of China,
13 including in port projects, canal projects, and
14 telecommunications projects in Latin America
15 and the Caribbean, could have military uses or
16 dual use capability or could enable the Govern-
17 ment of the People’s Republic of China to mon-
18 itor or intercept United States or host nation
19 communications;

20 (C) the degree to which the Government of
21 the People’s Republic of China uses its presence
22 and influence in Latin America and the Carib-
23 bean to encourage, pressure, or coerce govern-
24 ments in the region to support its defense and

1 national security goals, including policy posi-
2 tions taken by it at international institutions;

3 (D) documented instances of governments
4 of countries of Latin America and the Carib-
5 bean silencing, or attempting to silence, local
6 critics of the Government of the People's Re-
7 public of China, including journalists, aca-
8 demics, and civil society representatives, in
9 order to placate the Government of the People's
10 Republic of China;

11 (E) the rationale for the Government of
12 the People's Republic of China becoming an ob-
13 server at the Organization of American States
14 and a non-borrowing member of the Inter-
15 American Development Bank and the Carib-
16 bean Development Bank;

17 (F) the relationship between the Govern-
18 ment of the People's Republic of China and the
19 Community of Latin American and Caribbean
20 States (CELAC), a regional organization that
21 excludes the United States, and the role of the
22 China-CELAC Forum in coordinating such re-
23 lationship; and

24 (G) the specific actions and activities un-
25 dertaken by the Government of the People's Re-

1 public of China in Latin America and the Car-
2ibbean that present the greatest threat or chal-
3lenge to the United States' defense and national
4security interests in the region.

5 (c) FORM.—The report required under subsection (a)
6 shall be submitted in unclassified form without any des-
7ignation relating to dissemination control, but may include
8 a classified annex.

9 (d) DEFINITIONS.—In this Act:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11TEES.—The term “appropriate congressional com-
12mittees” means—

13 (A) the Committee on Armed Services, the
14 Committee on Foreign Affairs, the Committee
15 on Financial Services, the Committee on the
16 Judiciary, and the Permanent Select Committee
17 on Intelligence of the House of Representatives;
18 and

19 (B) the Committee on Armed Services, the
20 Committee on Foreign Relations, the Com-
21 mittee on Banking, Housing, and Urban Af-
22 fairs, the Committee on the Judiciary, and the
23 Select Committee on Intelligence of the Senate.

24 (2) LATIN AMERICA AND THE CARIBBEAN.—
25 The terms “Latin America and the Caribbean” and

1 “countries of Latin America and the Caribbean”
2 mean the countries and non-United States territories
3 of South America, Central America, the Caribbean,
4 and Mexico.

5 **SEC. 1247. SENSE OF CONGRESS ON TAIWAN DEFENSE RE-**
6 **LATIONS.**

7 It is the sense of Congress that—

8 (1) the Taiwan Relations Act (Public Law 96–
9 8; 22 U.S.C. 3301 et seq.) and the Six Assurances
10 provided by the United States to Taiwan in July
11 1982 are the foundation for United States-Taiwan
12 relations;

13 (2) as set forth in the Taiwan Relations Act,
14 the United States decision to establish diplomatic re-
15 lations with the People’s Republic of China rests
16 upon the expectation that the future of Taiwan will
17 be determined by peaceful means, and that any ef-
18 fort to determine the future of Taiwan by other than
19 peaceful means, including boycotts and embargoes,
20 is of grave concern to the United States;

21 (3) the increasingly coercive and aggressive be-
22 havior of the People’s Republic of China toward Tai-
23 wan is contrary to the expectation of the peaceful
24 resolution of the future of Taiwan;

1 (4) as set forth in the Taiwan Relations Act,
2 the capacity to resist any resort to force or other
3 forms of coercion that would jeopardize the security,
4 or the social or economic system, of the people on
5 Taiwan should be maintained;

6 (5) the United States should continue to sup-
7 port the development of capable, ready, and modern
8 defense forces necessary for Taiwan to maintain a
9 sufficient self-defense capability, including by—

10 (A) supporting acquisition by Taiwan of
11 defense articles and services through foreign
12 military sales, direct commercial sales, and in-
13 dustrial cooperation, with an emphasis on capa-
14 bilities that support the asymmetric defense
15 strategy of Taiwan, including anti-ship, coastal
16 defense, anti-armor, air defense, undersea war-
17 fare, advanced command, control, communica-
18 tions, computers, intelligence, surveillance, and
19 reconnaissance, and resilient command and con-
20 trol capabilities;

21 (B) ensuring timely review of and response
22 to requests of Taiwan for defense articles and
23 services;

24 (C) conducting practical training and mili-
25 tary exercises with Taiwan that enable Taiwan

1 to maintain a sufficient self- defense capability,
2 as described in the Taiwan Relations Act;

3 (D) exchanges between defense officials
4 and officers of the United States and Taiwan at
5 the strategic, policy, and functional levels, con-
6 sistent with the Taiwan Travel Act (Public Law
7 115–135; 132 Stat. 341), especially for the pur-
8 poses of—

9 (i) enhancing cooperation on defense
10 planning;

11 (ii) improving the interoperability of
12 the military forces of the United States
13 and Taiwan; and

14 (iii) improving the reserve force of
15 Taiwan;

16 (E) identifying improvements in Taiwan’s
17 ability to use asymmetric military capabilities to
18 enhance its defensive capabilities, as described
19 in the Taiwan Relations Act; and

20 (F) expanding cooperation in humanitarian
21 assistance and disaster relief; and

22 (6) the United States should be committed to
23 the defense of a free and open society in the face of
24 aggressive efforts by the Government of the People’s

1 Republic of China to curtail or influence the free ex-
2 ercise of rights and democratic franchise.

3 **SEC. 1248. SENSE OF CONGRESS ON INVITING TAIWAN TO**
4 **THE RIM OF THE PACIFIC EXERCISE.**

5 It is the sense of Congress that the naval forces of
6 Taiwan should be invited to participate in the Rim of the
7 Pacific exercise conducted in 2022.

8 **SEC. 1249. SENSE OF CONGRESS ON ENHANCING DEFENSE**
9 **AND SECURITY COOPERATION WITH SINGA-**
10 **PORE.**

11 It is the sense of Congress as follows:

12 (1) The United States and Singapore have built
13 a strong, enduring, and forward-looking strategic
14 partnership based on long-standing and mutually
15 beneficial cooperation, including through security,
16 defense, economic, and people-to-people ties.

17 (2) Robust security cooperation between the
18 United States and Singapore is crucial to promoting
19 peace and stability in the Indo-Pacific region.

20 (3) The status of Singapore as a “Major Secu-
21 rity Cooperation Partner” of the United States, as
22 recognized in the Strategic Framework Agreement
23 between the United States and the Republic of
24 Singapore for a Closer Partnership in Defense and
25 Security, done at Washington, D.C. on July 12,

1 2005, plays an important role in the global network
2 of strategic partnerships, especially in promoting
3 maritime security and countering terrorism.

4 (4) The United States values Singapore's provi-
5 sion of access to its military facilities, which sup-
6 ports the continued security presence of the United
7 States in Southeast Asia and across the Indo-Pacific
8 region.

9 (5) The United States should continue to wel-
10 come the presence of the military forces of Singa-
11 pore in the United States for exercises and training,
12 and should consider opportunities to expand such ac-
13 tivities at additional locations in the United States
14 as appropriate, including through cooperation mech-
15 anisms such as the memorandum of understanding
16 agreed to by the United States and Singapore in De-
17 cember 2019 to establish a fighter jet training de-
18 tachment in Guam.

19 (6) The United States should continue to
20 strengthen all aspects of the bilateral defense rela-
21 tionship with Singapore, which benefitted from the
22 signing of the 2015 enhanced Defense Cooperation
23 Agreement to expand cooperation in the military,
24 policy, strategic and technology spheres, as well as
25 cooperation in non-conventional security areas such

1 as piracy and transnational terrorism, humanitarian
2 assistance and disaster relief, cyber-security, and
3 biosecurity.

4 (7) As the United States and Singapore have
5 renewed the 1990 Memorandum of Understanding
6 Regarding the United States Use of Facilities in
7 Singapore and mark the 55th anniversary of bilat-
8 eral relations in 2021, the United States should—

9 (A) continue to enhance defense and secu-
10 rity cooperation with Singapore to promote
11 peace and stability in the Indo-Pacific region
12 based on common interests and shared values;

13 (B) reinforce the status of Singapore as a
14 major security cooperation partner of the
15 United States; and

16 (C) explore additional steps to better facili-
17 tate interoperability between the United States
18 Armed Forces and the military forces of Singa-
19 pore to promote peace and stability in the Indo-
20 Pacific region.

21 **SEC. 1250. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) South Korea continues to be a critical ally
24 of the United States;

1 (2) the presence of United States Armed Forces
2 in South Korea serves as a strong deterrent against
3 North Korean military aggression and as a critical
4 support platform for national security engagements
5 in the Indo-Pacific region;

6 (3) the presence of approximately 28,500 mem-
7 bers of the United States Armed Forces deployed to
8 South Korea serves not only as a stabilizing force to
9 the Korean peninsula but also as a reassurance to
10 all our allies in the region; and

11 (4) the United States should continue to—

12 (A) maintain and strengthen its bilateral
13 relationship with South Korea and with other
14 regional allies such as Japan; and

15 (B) maintain its existing robust military
16 presence in South Korea to deter aggression
17 against the United States and its allies and
18 partners.

19 **SEC. 1251. SENSE OF CONGRESS WITH RESPECT TO QATAR.**

20 It is the sense of Congress that—

21 (1) the United States and the country of Qatar
22 have built a strong, enduring, and forward-looking
23 strategic partnership based on long-standing and
24 mutually beneficial cooperation, including through
25 security, defense, and economic ties;

1 (2) robust security cooperation between the
2 United States and Qatar is crucial to promoting
3 peace and stability in the Middle East region;

4 (3) Qatar plays a unique role as host of the for-
5 ward headquarters for the United States Central
6 Command, and that partnership facilitates United
7 States coalition operations countering terrorism;

8 (4) Qatar is a major security cooperation part-
9 ner of the United States, as recognized in the 2018
10 Strategic Dialogue and the 2019 Memorandum of
11 Understanding to expand Al Udeid Air Base to im-
12 prove and expand accommodation for United States
13 military personnel;

14 (5) the United States values Qatar's provision
15 of access to its military facilities and its manage-
16 ment and financial assistance in expanding the Al
17 Udeid Air Base, which supports the continued secu-
18 rity presence of the United States in the Middle
19 East region; and

20 (6) the United States should continue to
21 strengthen the relationship between the United
22 States and Qatar, including through security and
23 economic cooperation.

1 **SEC. 1252. STATEMENT OF POLICY.**

2 (a) IN GENERAL.—It shall be the policy of the United
3 States to maintain the ability of the United States Armed
4 Forces to deny a fait accompli by a strategic competitor
5 against a covered defense partner.

6 (b) DEFINITIONS.—In this section:

7 (1) COVERED DEFENSE PARTNER.—The term
8 “covered defense partner” means a partner identi-
9 fied in the “Department of Defense Indo-Pacific
10 Strategy Report” issued on June 1, 2019, located
11 within 100 miles off the coast of a strategic competi-
12 tor.

13 (2) FAIT ACCOMPLI.—The term “fait accompli”
14 means the strategy of a strategic competitor de-
15 signed to allow such strategic competitor to use mili-
16 tary force to seize control of a covered defense part-
17 ner before the United States Armed Forces are able
18 to respond effectively.

19 (3) STRATEGIC COMPETITOR.—The term “stra-
20 tegic competitor” means a country labeled as a stra-
21 tegic competitor in the “Summary of the 2018 Na-
22 tional Defense Strategy of the United States of
23 America: Sharpening the American Military’s Com-
24 petitive Edge” issued by the Department of Defense
25 pursuant to section 113 of title 10, United States
26 Code.

1 **SEC. 1253. REPORT ON INTELLIGENCE MATTERS REGARD-**
2 **ING TAIWAN.**

3 (a) IN GENERAL.—Consistent with section 3(c) of the
4 Taiwan Relations Act (Public Law 96–8; 22 U.S.C.
5 3302(c)), and consistent with the protection of intelligence
6 sources and methods, not later than 180 days after the
7 date of the enactment of this Act, the Director of National
8 Intelligence, in consultation with the Secretary of Defense,
9 shall submit to the congressional defense committees, the
10 Permanent Select Committee on Intelligence and the Com-
11 mittee on Foreign Affairs of the House of Representatives,
12 and the Select Committee on Intelligence and the Com-
13 mittee on Foreign Relations of the Senate a report on
14 any—

15 (1) influence operations conducted by China to
16 interfere in or undermine peace and stability of the
17 Taiwan Strait and the Indo-Pacific region; and

18 (2) efforts by the United States to work with
19 Taiwan to disrupt such operations.

20 (b) ELEMENTS.—The report required by subsection
21 (a) shall include the following:

22 (1) A description of any significant efforts by
23 the intelligence community (as such term is defined
24 in section 3(4) of the National Security Act of 1947
25 (50 U.S.C. 3003(4))) to coordinate technical and
26 material support for Taiwan to identify, disrupt, and

1 combat influence operations referred to in subsection
2 (a)(1).

3 (2) A description of any efforts by the United
4 States Government to build the capacity of Taiwan
5 to disrupt external efforts that degrade its free and
6 democratic society.

7 (3) An assessment to achieve measurable
8 progress in enhancing the intelligence community's
9 cooperation with Taiwan, including through—

10 (A) development of strategies to engage
11 Taiwan in the discussions of United States-
12 leading intelligence forums or dialogues;

13 (B) an evaluation of the feasibility of co-
14 operating with Taiwan in the Mandarin lan-
15 guage education and training for the United
16 States' intelligence community through the For-
17 eign Language Incentive Program and pro-
18 grams under the Intelligence Language Insti-
19 tute; and

20 (C) implementing steps to increase ex-
21 changes and mutual visits between the intel-
22 ligence communities of the United States and
23 Taiwan at all levels in accordance with the Tai-
24 wan Travel Act (Public Law 115–135)

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 **SEC. 1254. SUPPORTING TAIWAN'S INVESTMENT IN ASYM-**
5 **METRIC CAPABILITIES.**

6 (a) IN GENERAL.—No later than 180 days following
7 enactment of this Act, the Secretary of Defense, in con-
8 sultation with the Secretary of State, shall submit to the
9 appropriate congressional committees a report on options
10 to support Taiwan's defense budgeting and procurement
11 process in a manner that facilitates sustained investment
12 in capabilities aligned with Taiwan's asymmetric defense
13 strategy. The report shall include the following:

14 (1) A review of technical advisory options for
15 enhancing defense budgeting across Taiwan's mili-
16 tary services in Taiwan that is aligned with Tai-
17 wan's asymmetric defense strategy.

18 (2) An evaluation of any administrative, institu-
19 tional, or personnel barriers in the United States or
20 Taiwan to implementing the options provided in
21 paragraph (1).

22 (3) An evaluation of the most appropriate enti-
23 ties within the Department of Defense to lead the
24 options provided in paragraph (1).

1 (4) An evaluation of the appropriate entities in
2 Taiwan’s Ministry of National Defense and its Na-
3 tional Security Council to participate in options pro-
4 vided in paragraph (1).

5 (5) A description of additional personnel, re-
6 sources, and authorities in Taiwan or in the United
7 States that may be required to execute the options
8 provided in paragraph (1).

9 (b) FORM OF REPORT.—The report required by sub-
10 section (a) shall be classified, but it may include an un-
11 classified summary, if the Secretary of Defense determines
12 it appropriate.

13 **SEC. 1255. MODIFICATION OF ANNUAL REPORT ON MILI-**
14 **TARY AND SECURITY DEVELOPMENTS IN-**
15 **VOLVING THE PEOPLE’S REPUBLIC OF**
16 **CHINA.**

17 Section 1202(b) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2000 (10 U.S.C. 113 note) is
19 amended by adding at the end the following:

20 “(32)(A) An assessment of China’s military ex-
21 pansion into the Pacific Islands region, including an
22 assessment of China’s—

23 “(i) strategic interests in the region;

24 “(ii) exchanges of senior defense officials;

25 “(iii) diplomatic and military engagements;

1 “(iv) offers of military education and train-
2 ing in China;

3 “(v) development of Chinese language and
4 culture centers;

5 “(vi) financial assistance for infrastructure
6 development, including through the Belt and
7 Road Initiative;

8 “(vii) investment in ports or wharfs, in-
9 cluding identification of those ports with the ca-
10 pacity to service Chinese naval vessels;

11 “(viii) military assistance, including finan-
12 cial aid, donations of military equipment, and
13 offers of military training; and

14 “(ix) military bases in the region or plans
15 to pursue a more formalized military presence
16 in the region.

17 “(B) In this paragraph, the term ‘Pacific Island
18 region’ includes the Republic of Fiji, the Republic
19 Kiribati, the Marshall Islands, the Federated States
20 of Micronesia, the Republic of Nauru, the Republic
21 of Palau, the Independent State of Samoa, the Sol-
22 omon Islands, the Kingdom of Tonga, Tuvalu, and
23 the Republic of Vanuatu.”.

1 **SEC. 1256. UNITED STATES MILITARY PRESENCE IN PALAU.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—

4 (1) the United States and the Republic of
5 Palau have a strong relationship based on strength-
6 ening regional security, ensuring a free and open
7 Indo-Pacific, and protecting fisheries from illegal,
8 unreported and unregulated fishing; and

9 (2) Congress is receptive to the Republic of
10 Palau’s request to the United States to establish a
11 regular United States military presence in Palau for
12 purposes of Palau’s defense and encourages the De-
13 partment of Defense to review such request.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense shall provide a report and briefing
18 to the appropriate congressional committees on the
19 Department of Defense’s plans to review the Repub-
20 lic of Palau’s request to the United States to estab-
21 lish a regular United States military presence in
22 Palau and any planned military construction associ-
23 ated with such military presence.

24 (2) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES DEFINED.—In this subsection, the term “ap-
26 propriate congressional committees” means—

1 (A) the congressional defense committees;
2 and

3 (B) the Committee on Foreign Relations of
4 the Senate and the Committee on Foreign Af-
5 fairs of the House of Representatives.

6 **SEC. 1257. REPORT ON ENHANCING SECURITY PARTNER-**
7 **SHIPS BETWEEN THE UNITED STATES AND**
8 **INDO-PACIFIC COUNTRIES.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of De-
11 fense, in coordination with the Secretary of State, shall
12 submit to the appropriate congressional committees a re-
13 port on the activities and resources required to enhance
14 security partnerships between the United States and Indo-
15 Pacific countries.

16 (b) ELEMENTS.—The report required under sub-
17 section (a) shall include the following:

18 (1) A description of the Department of De-
19 fense’s approach to conducting security cooperation
20 activities in Indo-Pacific countries, including how the
21 Department identifies and prioritizes its security
22 partnerships in such countries.

23 (2) A description of how the Department of De-
24 fense’s security cooperation activities benefit other

1 Federal departments and agencies that are operating
2 in the Indo-Pacific region.

3 (3) Recommendations to improve the ability of
4 the Department of Defense to achieve sustainable
5 security benefits from its security cooperation activi-
6 ties in the Indo-Pacific region, which may include—

7 (A) the establishment of contingency loca-
8 tions;

9 (B) small-scale construction conducted in
10 accordance with existing law; and

11 (C) the acquisition of additional training
12 and equipment by Indo-Pacific countries to im-
13 prove their organizational, operational, mobility,
14 and sustainment capabilities.

15 (4) Recommendations to expand and strengthen
16 the capability of Indo-Pacific countries to conduct
17 security activities, including traditional activities of
18 the combatant commands, train and equip opportu-
19 nities, State partnerships with the National Guard,
20 and through multilateral activities.

21 (5) A description of how the following factors
22 may impact the ability of the Department of Defense
23 to strengthen security partnerships in Indo-Pacific
24 countries:

1 (A) The economic development and sta-
2 bility of such countries within the Indo-Pacific
3 area of operations.

4 (B) The military, intelligence, diplomatic,
5 developmental, and humanitarian efforts of the
6 People’s Republic of China and Russia in Indo-
7 Pacific countries.

8 (C) The ability of the United States and
9 its allies and partners to combat violent extrem-
10 ist organizations operating in the Indo-Pacific
11 region.

12 (D) Any other matters the Secretary of
13 Defense determines to be relevant.

14 (e) FORM.—The report required under subsection (a)
15 may be submitted in classified form, but shall include an
16 unclassified summary.

17 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
18 DEFINED.—In this section, the term “appropriate con-
19 gressional committees” means—

20 (1) the congressional defense committees; and

21 (2) the Committee on Foreign Relations of the
22 Senate and the Committee on Foreign Affairs of the
23 House of Representatives.

1 **SEC. 1258. SENSE OF CONGRESS ON KOREAN AND KOREAN-**
2 **AMERICAN VETERANS OF THE WAR IN VIET-**
3 **NAM.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Korean and Korean-American veterans of
6 the war in Vietnam served honorably throughout the
7 conflict, fighting valiantly both as a part of and
8 alongside the United States Armed Forces and often
9 making the ultimate sacrifice, with many later be-
10 coming United States citizens.

11 (2) Military cooperation in the Vietnam War is
12 one of several examples that demonstrate the robust
13 alliance of the United States and South Korea,
14 under shared commitment to democratic principles.

15 (3) During the Vietnam conflict, more than
16 3,000,000 members of the United States Armed
17 Forces fought bravely to preserve and defend these
18 ideals, among them many Korean Americans who
19 earned citations for their heroism and honorable
20 service.

21 (4) South Korea joined the Vietnam conflict to
22 support the United States Armed Forces and the
23 cause of freedom at the request of the United
24 States.

25 (5) From 1964 until the last soldier left Saigon
26 on March 23, 1973, 325,517 members of South Ko-

1 rea's armed forces served in Vietnam, the largest
2 contribution of troops sent by an ally of the United
3 States.

4 (6) South Korean forces fought bravely
5 throughout the theater and were known for their
6 dedication, tenacity, and effectiveness on the battle-
7 field.

8 (7) More than 17,000 Korean soldiers were in-
9 jured, and over 4,400 Korean soldiers made the ulti-
10 mate sacrifice in defense of United States friends
11 and allies.

12 (8) There are approximately 3,000 naturalized
13 Korean Americans who served in the Vietnam War
14 currently living in the United States, many of whom
15 suffer from significant injuries due to their service
16 in Vietnam, including post-traumatic stress disorder,
17 total disability, and the effects of the toxic defoliant
18 Agent Orange.

19 (9) Korean-American veterans of the Vietnam
20 conflict upheld the highest ideals of the United
21 States through their dedicated service and consider-
22 able sacrifices, with many continuing to carry the
23 visible and invisible wounds of war to this day.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that Korean and Korean-American veterans who

1 served alongside the United States Armed Forces in the
2 Vietnam war fought with honor and valor.

3 **SEC. 1259. REPORT ON UNITED STATES-TAIWAN SEMICON-**
4 **DUCTOR WORKING GROUP.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) it is the common interest of the United
8 States and allies and partners to strive for a Indo-
9 Pacific region that is free, open, inclusive, healthy,
10 anchored by democratic values and market-based
11 rules;

12 (2) the United States should work closely with
13 allies and partners to respond to the most urgent of
14 global challenges, including economic and health im-
15 pacts of COVID, economic recovery as well as supply
16 chain resiliency of critical industries;

17 (3) Taiwan is a vital part of global high tech-
18 nology supply chain with top-notch manufacturing
19 capacity for chips; and it is in the political, security
20 and economic interests of the United States to advo-
21 cate for an upgraded partnership with Taiwan in re-
22 sponse to challenges due to shortage of chips; and

23 (4) the United States recognizes Taiwan's con-
24 tinued efforts to expand production of critical chips,

1 including for auto industries impacted severely by
2 COVID.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of Defense,
5 in coordination with Secretary of Commerce, the Secretary
6 of State, and the heads of other appropriate Federal de-
7 partments and agencies, shall submit to the appropriate
8 congressional committees a report on the following:

9 (1) The feasibility and advisability of estab-
10 lishing an inter-agency United States-Taiwan work-
11 ing group for coordinating cooperation related to
12 semiconductor issues.

13 (2) A discussion of current and future plans to
14 engage with Taiwan with respect to activities ensur-
15 ing supply chain security, especially with respect to
16 semiconductors.

17 (3) An assessment of impacts on global supply
18 chain integrity in case of regional conflicts in the
19 Taiwan Strait.

20 (4) An assessment to achieve measurable
21 progress in enhancing cooperation with Taiwan, in-
22 cluding through assessments in—

23 (A) development of strategies to engaging
24 Taiwan in the discussions of United States-
25 leading supply chain forums or dialogues; and

1 (B) economic and security benefits of in-
2 cluding Taiwan in the list of governments eligi-
3 ble for the strategic trade authorization excep-
4 tion.

5 (5) Any other matters the Secretary of Defense
6 determines relevant.

7 (c) FORM.—The report required under subsection (b)
8 shall be submitted in unclassified form, but may include
9 a classified annex.

10 (d) DEFINITION.—In this section, the term “appro-
11 priate congressional committees” means the congressional
12 defense committees and—

13 (1) the Committee on Foreign Affairs and the
14 Committee on Energy and Commerce of the House
15 of Representatives; and

16 (2) the Committee on Foreign Relations and
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate.

19 **SEC. 1260. DEPARTMENT OF DEFENSE STUDY ON THE**
20 **EMERGENCE OF MILITIA FLEETS IN THE**
21 **SOUTH CHINA SEA.**

22 (a) STUDY.—The Secretary of Defense shall carry
23 out a study on the challenges posed by the emergence of
24 militia fleets in the South China Sea, including—

1 (1) a tactical threat assessment and assessment
2 of United States Navy and Coast Guard capability;
3 (2) options for countering militia fleets; and
4 (3) an assessment of future capabilities needed
5 to address those challenges.

6 (b) REPORT.—Not later than one year after the date
7 of enactment of this Act, the Secretary of Defense shall
8 submit to the Committee on Armed Services of the House
9 of Representatives and the Committee on Armed Services
10 of the Senate a report on the study conducted pursuant
11 to subsection (a).

12 (c) MILITIA FLEET.—In this section, the term “mili-
13 tia fleet” means the People’s Armed Forces Maritime Mili-
14 tia or other subset national militias of China.

15 **SEC. 1261. STATEMENT OF CONGRESS REGARDING ONGO-**
16 **ING ABUSES AGAINST UYGHURS.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) On December 9, 1948, the United Nations
19 General Assembly unanimously adopted the Conven-
20 tion on the Prevention and Punishment of the Crime
21 of Genocide (the Genocide Convention) signifying a
22 commitment in response to the Holocaust and other
23 crimes against humanity committed in the first half
24 of the twentieth century.

1 (2) The Genocide Convention entered into force
2 on January 12, 1951, and declares that all state
3 parties “confirm that genocide, whether committed
4 in time of peace or in time of war, is a crime under
5 international law which they undertake to prevent
6 and to punish”.

7 (3) The Genocide Convention defines genocide
8 as “any of the following acts committed with intent
9 to destroy, in whole or in part, a national, ethnical,
10 racial or religious group, as such: (a) Killing mem-
11 bers of the group; (b) Causing serious bodily or
12 mental harm to members of the group; (c) Delib-
13 erately inflicting on the group conditions of life cal-
14 culated to bring about its physical destruction in
15 whole or in part; (d) Imposing measures intended to
16 prevent births within the group; (e) Forcibly trans-
17 ferring children of the group to another group”.

18 (4) The United States ratified the Genocide
19 Convention with the understanding that the commis-
20 sion of genocide requires “the specific intent to de-
21 stroy, in whole or in substantial part, a [protected]
22 group as such”.

23 (5) The People’s Republic of China (PRC) is a
24 state party to the Genocide Convention.

1 (6) Since 2017, the PRC Government, under
2 the direction and control of the Chinese Communist
3 Party (CCP), has detained and sought to indoctri-
4 nate more than one million Uyghurs and members
5 of other ethnic and religious minority groups.

6 (7) Recent data indicate a significant drop in
7 birth rates among Uyghurs due to enforced steriliza-
8 tion, enforced abortion, and more onerous birth
9 quotas for Uyghurs compared to Han.

10 (8) There are credible reports of PRC Govern-
11 ment campaigns to promote marriages between
12 Uyghurs and Han and to reduce birth rates among
13 Uyghurs and other Turkic Muslims.

14 (9) Many Uyghurs reportedly have been as-
15 signed to factory employment under conditions that
16 indicate forced labor, and some former detainees
17 have reported food deprivation, beatings, suppression
18 of religious practices, family separation, and sexual
19 abuse.

20 (10) This is indicative of a systematic effort to
21 eradicate the ethnic and cultural identity and reli-
22 gious beliefs, and prevent the births of, Uyghurs,
23 ethnic Kazakhs and Kyrgyz, and members of reli-
24 gious minority groups.

1 (11) The birth rate in the Xinjiang region fell
2 by 24 percent in 2019 compared to a 4.2 percent de-
3 cline nationwide.

4 (12) On January 19, 2021, the Department of
5 State determined the PRC Government, under the
6 direction and control of the CCP, has committed
7 crimes against humanity and genocide against
8 Uyghurs and other ethnic and religious minority
9 groups in Xinjiang.

10 (13) Secretary of State Antony Blinken and
11 Former Secretary of State Michael Pompeo have
12 both stated that what has taken place in Xinjiang is
13 genocide and constitutes crimes against humanity.

14 (14) Article VIII of the Genocide Convention
15 provides, “Any Contracting Party may call upon the
16 competent organs of the United Nations to take
17 such action under the Charter of the United Nations
18 as they consider appropriate for the prevention and
19 suppression of acts of genocide”.

20 (15) The International Court of Justice has
21 stated that it is the obligation of all state parties to
22 the Genocide Convention to “employ all means rea-
23 sonably available to them, so as to prevent genocide
24 so far as possible”.

1 (16) The United States is a Permanent Mem-
2 ber of the United Nations Security Council.

3 (b) STATEMENT OF CONGRESS.—Congress—

4 (1) finds that the ongoing abuses against
5 Uyghurs and members of other ethnic and religious
6 minority groups constitute genocide as defined in the
7 Genocide Convention and crimes against humanity
8 as understood under customary international law;

9 (2) attributes these atrocity crimes against
10 Uyghurs and members of other ethnic and religious
11 minority groups to the People’s Republic of China,
12 under the direction and control of the Chinese Com-
13 munist Party;

14 (3) condemns this genocide and these crimes
15 against humanity in the strongest terms; and

16 (4) calls upon the President to direct the
17 United States Permanent Representative to the
18 United Nations to use the voice, vote, and influence
19 of the United States to—

20 (A) refer the People’s Republic of China’s
21 genocide and crimes against humanity against
22 Uyghurs and members of other ethnic and reli-
23 gious minority groups to the competent organs
24 of the United Nations for investigation;

1 (B) seize the United Nations Security
2 Council of the circumstances of this genocide
3 and crimes against humanity and lead efforts to
4 invoke multilateral sanctions in response to
5 these ongoing atrocities; and

6 (C) take all possible actions to bring this
7 genocide and these crimes against humanity to
8 an end and hold the perpetrators of these atroc-
9 ities accountable under international law.

10 **SEC. 1262. DEFENSE AND DIPLOMATIC STRATEGY FOR**
11 **SYRIA.**

12 (a) REPORT REQUIRED.—Not later than 90 days
13 after the date of the enactment of this Act, the President,
14 acting through the Secretary of State and in coordination
15 with the Secretary of Defense, shall submit to the appro-
16 priate congressional committees a report that contains a
17 description of the United States defense and diplomatic
18 strategy for Syria.

19 (b) ELEMENTS.—The report required by subsection
20 (a) shall include the following elements:

21 (1) A United States diplomatic strategy for
22 Syria, including a description of the desired diplo-
23 matic objectives for advancing United States na-
24 tional interests in Syria, desired end-goals, and a de-

1 description of the intended diplomatic and related for-
2 eign policy means to achieve such objectives.

3 (2) A United States defense strategy for Syria,
4 including a description of the security objectives the
5 United States aims to achieve, including the objec-
6 tives and desired end-state for the United States
7 military presence in northeast Syria, envisioned
8 transition timeline for security responsibilities to the
9 Syrian Democratic Forces (SDF), and status of re-
10 maining ISIS elements.

11 (3) A description of United States strategy and
12 objectives for United States military support to and
13 coordination with the Jaysh Maghawir al-Thawra
14 (“MaT”) including transition plan and operational
15 needs in and around Al-Tanf.

16 (4) A plan for enduring security of ISIS detain-
17 ees currently held in SDF secured facilities (includ-
18 ing so-called “third country fighters” as well as
19 Iraqi and Syrian national ISIS detainees) account-
20 ing for security of personnel and facilities involved.

21 (5) A diplomatic strategy for securing the repa-
22 triation of remaining ISIS “third country fighters”
23 to countries of origin, including a comprehensive
24 breakdown of each country of origin and number of
25 detainees yet to be repatriated.

1 (6) A plan for the resettlement and disposition
2 of ISIS connected women and children in remaining
3 detention facilities, including roles and responsibil-
4 ities of counter-ISIS coalition partners.

5 (7) A detailed assessment of the security and
6 humanitarian situation at the internally displaced
7 persons camp at Rukban.

8 (8) A plan for diplomatic and humanitarian en-
9 gagement with regional partners and multilateral in-
10 stitutions to ensure successful and safe delivery of
11 continued humanitarian assistance to non-regime
12 held areas of Syria.

13 (c) FORM.—The report required by subsection (a)
14 shall be submitted in unclassified form, but may include
15 a classified annex.

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
17 DEFINED.—In this section, the term “appropriate con-
18 gressional committees” means—

19 (1) the Committee on Armed Services, the
20 Committee on Foreign Relations, and the Committee
21 on Appropriations of the Senate; and

22 (2) the Committee on Armed Services, the
23 Committee on Foreign Affairs, and the Committee
24 on Appropriations of the House of Representatives.

1 **SEC. 1263. STATEMENT OF POLICY RELATING TO REPORT-**
2 **ING REQUIREMENTS OF CHINA'S MARITIME**
3 **SAFETY ADMINISTRATION.**

4 (a) IN GENERAL.—It is the policy of the United
5 States to reject as a violation of international law and
6 United States sovereignty any attempt by China's Mari-
7 time Safety Administration to compel United States ves-
8 sels to adhere to any reporting requirements listed within
9 China's Maritime Traffic Safety Law, including any re-
10 quirements to require a vessel to declare—

11 (1) the vessel's name and number;

12 (2) the vessel's satellite telephone number;

13 (3) the vessel's position and recent locations;

14 and

15 (4) the vessel's cargo.

16 (b) APPLICABILITY.—Subsection (a) applies to all
17 maritime claims made by the People's Republic of China
18 that the United States has rejected, to include virtually
19 all of China's claims within the Nine-Dash Line.

20 **SEC. 1264. ESTABLISHMENT OF CHINA WATCHER PRO-**
21 **GRAM.**

22 (a) IN GENERAL.—The Secretary of State, in coordi-
23 nation with relevant offices and bureaus of the Depart-
24 ment of Defense, shall implement a program, to be known
25 as the "China Watcher Program", within the Department
26 of State to—

1 (1) monitor and combat the People’s Republic
2 of China’s malign influence across military, eco-
3 nomic, and political sectors in foreign countries;

4 (2) monitor the People’s Republic of China’s
5 military trends abroad and counter its activities and
6 advancements in foreign nations that pose a threat
7 to United States interests and the rules-based order;
8 and

9 (3) strengthen the capacity of United States
10 Government to engage with foreign countries and re-
11 gional and international military, economic, and po-
12 litical organizations and institutions relating to pol-
13 icy coordination regarding the People’s Republic of
14 China and efforts to counter the People’s Republic
15 of China’s malign influence.

16 (b) PLACEMENT.—

17 (1) IN GENERAL.—In carrying out the China
18 Watcher Program under this section, the Secretary
19 of State, in consultation with the Secretary of De-
20 fense, shall place officers in positions in select
21 United States diplomatic and consular posts, in co-
22 ordination with the Secretary of State, to engage
23 both Chinese and third-country nationals, including
24 host governments and non-government entities, on
25 the matters described in subsection (a).

1 (2) PRIORITY.—The Secretary of State shall—

2 (A) in selecting diplomatic and consular
3 posts, prioritize foreign countries in which Chi-
4 nese influence has been historically significant
5 and in which United States interests and per-
6 sons are vulnerable to the People’s Republic of
7 China’s malign activities; and

8 (B) in placing personnel in such posts, se-
9 lect, in consultation with the Secretary of De-
10 fense, personnel within either the Department
11 of State or the Department of Defense who
12 have sufficient subject matter expertise, lan-
13 guage skills, and training to carry out their
14 functions effectively.

15 (c) ANNUAL REPORT.—

16 (1) IN GENERAL.—Each post or mission with a
17 China Watcher Program shall produce an annual re-
18 port outlining the steps it has taken to advance the
19 mission, trends and analysis, and the nature and ex-
20 tent of Chinese foreign direct investment and influ-
21 ence in key military, economic, and political sectors,
22 including technology, manufacturing, transportation,
23 energy, metals, agriculture, real estate, and defense.

24 (2) MATTERS TO BE INCLUDED.—Such report
25 shall include an assessment of the investment, trade,

1 and other risks posed by Chinese malign influence as
2 well as instances of predatory actions by the Peo-
3 ple's Republic of China or its affiliates.

4 (d) RISK ASSESSMENT.—The annual report required
5 by subsection (c) shall include a risk assessment which
6 shall be made publicly available. The Secretary of State,
7 in consultation with the Secretary of Defense, shall, based
8 on the results of such report, make publicly available a
9 list of countries of concern in regard to the likelihood of
10 economic espionage and coercion or influence of the Peo-
11 ple's Republic of China across military, economic, and po-
12 litical sectors.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$10,000,000 for fiscal year
15 2022 and each fiscal year thereafter to carry out this sec-
16 tion.

17 **SEC. 1265. COMPLIANCE BY CHINA WITH NUCLEAR NON-**
18 **PROLIFERATION TREATY.**

19 (a) REQUIREMENT.—Not later than 30 days after the
20 date of the enactment of this Act, the President shall sub-
21 mit to the appropriate congressional committees a special
22 compliance assessment with respect to the compliance by
23 China with article VI of the Nuclear Non-Proliferation
24 Treaty, including the factors leading to the conclusion of
25 the President.

1 (b) FORM.—The special compliance assessment
2 under subsection (a) shall be submitted in unclassified
3 form.

4 (c) DEFINITIONS.—In this section:

5 (1) The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Armed Services, the
8 Committee on Appropriations, and the Com-
9 mittee on Foreign Affairs of the House of Rep-
10 resentatives; and

11 (B) the Committee on Armed Services, the
12 Committee on Appropriations, and the Com-
13 mittee on Foreign Relations of the Senate.

14 (2) The term “Nuclear Non-Proliferation Trea-
15 ty” means the Treaty on the Non-Proliferation of
16 Nuclear Weapons, done at Washington, London, and
17 Moscow July 1, 1968, and entered into force March
18 5, 1970 (21 UST 483).

1 **TITLE XIII—OTHER MATTERS**
2 **RELATING TO FOREIGN NA-**
3 **TIONS**

4 **Subtitle A—Matters Relating to**
5 **Europe and NATO**

6 **SEC. 1301. REPORT ON THE STATE OF UNITED STATES MILI-**
7 **TARY INVESTMENT IN EUROPE INCLUDING**
8 **THE EUROPEAN DETERRENCE INITIATIVE.**

9 Not later than February 25, 2022, the Secretary of
10 Defense, in coordination with the Commander of United
11 States European Command, shall submit to the congres-
12 sional defense committees a report assessing the current
13 state of United States defense investment in Europe and
14 with respect to NATO specific infrastructure, including
15 the European Deterrence Initiative. The report shall in-
16 clude the following elements:

17 (1) An assessment of the current progress made
18 by the Department of Defense toward achieving the
19 goals of the European Deterrence Initiative over its
20 lifetime and a description of the major changes in
21 focus, resourcing, and emphasis that have occurred
22 over that lifetime.

23 (2) An assessment of the current state of
24 United States defense posture in Europe, including
25 a comprehensive assessment of the state of military

1 mobility and the current ability of the United States
2 to rapidly manifest and transit forces to Europe's
3 eastern front in a crisis with a contested logistics en-
4 vironment, and the corresponding levels and
5 timelines with respect to such ability.

6 (3) An assessment of United States defense lo-
7 gistics gaps or risks such as bridging equipment and
8 rail gauge mitigations that would be exacerbated in
9 a contingency.

10 (4) An assessment of the current state of
11 United States prepositioned stocks in Europe, in-
12 cluding the current timeline for their completion
13 under the European Deterrence Initiative.

14 (5) An assessment of the current state of
15 United States munitions in Europe, including their
16 current levels, the adequacy of those levels for
17 United States needs in a European contingency, and
18 a description of the Department's plan to bring
19 those munitions stocks to adequate levels.

20 (6) An assessment of the current state of fuel
21 availability and supporting infrastructure in Europe
22 and the adequacy of those supplies for United States
23 needs in a European contingency.

24 (7) A description of the manner and extent to
25 which United States military investment planning in

1 the European theater incorporates assessments of
2 relevant regulatory policies in the European theater
3 relating to installation energy and the planning and
4 design of military construction projects at these in-
5 stallations.

6 (8) An assessment of the current state of
7 United States anti-submarine warfare assets, organi-
8 zation, and resources in the European Command
9 and Second Fleet areas of responsibility, including—

10 (A) their sufficiency to counter Russian
11 submarine threats; and

12 (B) the sufficiency of United States sono-
13 buoy stocks, anti-submarine warfare platforms,
14 and undersea sensing equipment.

15 (9) An assessment of the current state of the
16 United States naval presence in the European Com-
17 mand area of responsibility and its ability to respond
18 to challenges in the Black Sea, Mediterranean, and
19 Arctic, including a description of any future plans
20 regarding increased naval force structure forward
21 stationed in Europe by 2025.

22 (10) An assessment of the current state of
23 United States Air Force operational planning and
24 resourcing in the European theater, including the

1 current state of prepositioned Air Force equipment,
2 activities, and relevant infrastructure.

3 (11) An assessment of the current state of
4 United States defense information warfare capabili-
5 ties in the European Command area of responsibility
6 and any defense resources required or defense poli-
7 cies needed to strengthen these efforts.

8 (12) An assessment of the current state of
9 United States military capabilities for countering
10 Russian aggression and hybrid warfare in the Euro-
11 pean theater, including cyber capabilities.

12 (13) An assessment of the current state of
13 United States military electromagnetic warfare capa-
14 bilities in the European theater.

15 (14) An assessment of the current state of
16 United States military sea- and airlift capabilities to
17 support contingency operations in the European the-
18 ater.

19 (15) An assessment of all purchases, invest-
20 ments, and expenditures made by any Armed Force
21 under the jurisdiction of the Secretary of a military
22 department and funded by the European Deterrence
23 Initiative, since its inception, that have been diverted
24 for purposes or uses other than the objectives of the
25 European Deterrence Initiative, including a list of

1 all purchases, investments, and expenditures that
2 have been funded under the European Deterrence
3 Initiative since its inception that were not ultimately
4 employed for the purposes of the initiative and their
5 respective dollar values.

6 (16) An assessment of the current state of Eu-
7 ropean Deterrence Initiative military construction ef-
8 forts in Europe.

9 (17) An analysis of the impact that deferred
10 military construction efforts authorized under sec-
11 tion 2808 of title 10, United States Code, have had
12 on the European Deterrence Initiative, including—

13 (A) impacts on timelines to establish a de-
14 terrence platform in Europe;

15 (B) implications for deterrence capabilities
16 in Europe; and

17 (C) a description of the Department of De-
18 fense's plan to address these impacts including
19 its intended final disposition for the impacted
20 military construction projects.

21 (18) A description of the current status of the
22 European Infrastructure Consolidation program, in-
23 cluding a list of all divestments completed under the
24 program after January 1, 2016, and all currently
25 contemplated divestments under the program.

1 (19) Any other information that the Secretary
2 of Defense determines relevant.

3 **SEC. 1302. SENSE OF CONGRESS ON UNITED STATES DE-**
4 **FENSE POSTURE IN EUROPE.**

5 It is the sense of Congress as follows:

6 (1) The United States is steadfastly committed
7 to upholding and strengthening its defense alliances
8 and partnerships in the European theater. The
9 North Atlantic Treaty Organization (NATO) alli-
10 ance is the bedrock of these relationships, which are
11 central to deterring Russian aggression, upholding
12 territorial integrity and sovereignty in Europe, coun-
13 tering malign efforts to undermine the rules-based
14 international order and disrupt shared values, fos-
15 tering international cooperation against collective
16 challenges, and advancing shared national security
17 objectives worldwide.

18 (2) United States allies in Europe have made
19 substantial strides on responsibility-sharing and de-
20 fense investment since the Wales Declaration in
21 2014 and should be commended for their ongoing ef-
22 forts to increase complementary investments in
23 NATO deterrence capacity. These efforts have pro-
24 vided an accumulated increase of more than
25 \$130,000,000,000 in foreign investments between

1 2016 and 2020 to strengthen trans-Atlantic secu-
2 rity, and it is essential that the United States con-
3 tinue to press NATO allies to achieve their Wales
4 Summit pledges and continue to make progress on
5 greater complementary defense investments.

6 (3) The behavior of the Russian Government
7 has not improved and has, in many aspects, become
8 increasingly belligerent since the invasion of Ukraine
9 in 2014, with respect to—

10 (A) military efforts to disrupt the terri-
11 torial integrity of sovereign countries in Eu-
12 rope;

13 (B) threats against the United States,
14 NATO, and other United States partners;

15 (C) intervention in allied democratic proc-
16 esses;

17 (D) efforts to disrupt United States alli-
18 ances, partnerships, and values;

19 (E) acts such as assassination and the use
20 of chemical weapons on the territory of other
21 sovereign countries; and

22 (F) other high-risk, disruptive efforts.

23 (4) Continued commitment to enhancing the
24 United States and allied force posture in Europe is
25 indispensable for efforts to establish and sustain a

1 credible deterrent against Russian aggression and
2 long-term strategic competition by the Russian gov-
3 ernment. The Secretary of Defense must continue
4 to—

5 (A) support the European Deterrence Ini-
6 tiative and other investments in a strengthened
7 United States and allied force posture in Eu-
8 rope;

9 (B) support rotational deployments and ro-
10 bust exercises in the European theater;

11 (C) complete efforts to establish
12 prepositioned stocks and effective staging infra-
13 structure to maintain credible deterrence
14 against Russian threats;

15 (D) invest effectively in multi-service,
16 cyber, information, and air defense efforts to
17 counter modern military challenges, enhance
18 the survivability and flexibility of the United
19 States force posture, logistics, and planning;
20 and

21 (E) consider whether additional forward-
22 positioned forces in Europe would reduce cost
23 and strain, enhance credibility, and strengthen
24 capabilities.

1 **SEC. 1303. SENSE OF CONGRESS ON SECURITY ASSISTANCE**
2 **TO THE BALTIC COUNTRIES.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The United States has cumulatively allo-
5 cated over \$498,965,000 in Department of Defense
6 partner capacity funding for the Baltic countries
7 since fiscal year 2018, including over \$219,000,000
8 for the Baltic security efforts known as the “Baltic
9 Security Initiative”, executed using sections 332 and
10 333 of title 10, United States Code, including assist-
11 ance with respect to air defense, maritime situa-
12 tional awareness, ammunition, C4ISR, anti-tank ca-
13 pability, special forces, and other defense capabili-
14 ties.

15 (2) The Secretary of Defense has completed the
16 comprehensive Baltic Defense Assessment required
17 by section 1246 of the National Defense Authoriza-
18 tion Act for Fiscal Year 2020 and has recommended
19 continued robust, comprehensive investment Baltic
20 security efforts in accordance with that assessment,
21 with assistance executed using such sections 332
22 and 333.

23 (3) The Secretary of Defense has assessed that
24 the authority granted by such sections 332 and 333
25 affords the most efficient and effective authority to
26 provide this assistance to the Baltic countries, and

1 that attempting to provide the assistance pursuant
2 to alternate authorities would hamper the Depart-
3 ment's ability to deliver assistance and implement
4 the investment program established by the Baltic
5 Defense Assessment.

6 (b) SENSE OF CONGRESS.—Congress strongly sup-
7 ports the robust assistance to accomplish United States
8 strategic objectives in accordance with sections 332 and
9 333 of title 10, United States Code, including by providing
10 assistance to the Baltic countries using those sections,
11 funded by the Baltic Security Initiative. It is the sense
12 of Congress that the security of the Baltic region is crucial
13 to the security of the NATO alliance and these efforts are
14 critical to ensure continued deterrence against Russian ag-
15 gression and bolster allied security.

16 **SEC. 1304. REPORT RELATING TO NORDSTREAM 2 PIPE-**
17 **LINE.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the Secretaries of Defense
20 and State shall jointly submit to the appropriate congres-
21 sional committees a report that includes—

22 (1) a descriptions of the hard currency and
23 other financial benefits the Russian Federation will
24 obtain through the operation of the Nordstream 2
25 Pipeline; and

1 (2) an analysis of the security risks of a com-
2 pleted pipeline to Ukraine, our European allies and
3 partners, and the NATO alliance.

4 (b) FORM.—The report required by subsection (a)
5 shall be submitted in unclassified form, but may include
6 a classified annex. It shall also be publicly available on
7 a website operated by the Federal Government.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means—

11 (1) the Committee on Armed Services of the
12 Senate;

13 (2) the Committee on Armed Services of the
14 House of Representatives;

15 (3) the Committee on Foreign Relations of the
16 Senate; and

17 (4) the Committee on Foreign Affairs of the
18 House of Representatives.

19 **SEC. 1305. AUDIT OF NATO SEXUAL HARASSMENT AND SEX-**
20 **UAL ASSAULT POLICIES AND PROCESSES.**

21 (a) AUDIT.—Not later than one year after the date
22 of the enactment of this Act, the Inspector General of the
23 Department of Defense shall submit to the Committees
24 on Armed Services of the Senate and the House of Rep-
25 resentatives an audit of policies, procedures, and processes

1 for addressing allegations of sexual harassment and sexual
2 assault involving members of the Armed Forces and civil-
3 ian employees of the Department of Defense serving in
4 North Atlantic Treaty Organization's (NATO) offices,
5 components, and agencies.

6 (b) ELEMENTS.—The audit under subsection (a)
7 shall include the following:

8 (1) The options available to members of the
9 Armed forces and civilian employees of the Depart-
10 ment of Defense to report instances of sexual har-
11 assment or sexual assault during service in a NATO
12 capacity.

13 (2) The number of incidences of sexual harass-
14 ment and sexual assault committed by and against
15 NATO personnel that were reported to military offi-
16 cials and the number of cases that were substan-
17 tiated.

18 (3) The number of incidences of sexual harass-
19 ment and sexual assault committed by members of
20 the Armed Forces and civilian employees of the De-
21 partment of Defense that were reported to military
22 officials and the number of the cases so reported
23 that were substantiated.

24 (4) A synopsis of each such substantiated case,
25 organized by offense, and, for each such case, the

1 action taken in the case, including the type of dis-
2 ciplinary or administrative sanction imposed, if any,
3 including courts-martial sentences, nonjudicial pun-
4 ishments administered by commanding officers pur-
5 suant to section 815 of title 10, United States Code
6 (article 15 of the Uniform Code of Military Justice),
7 administrative separations, or other disciplinary ac-
8 tion under applicable NATO policies.

9 (5) The policies, procedures, and processes im-
10 plemented by the Department of Defense in response
11 to incidents of sexual assault involving members of
12 the Armed Forces and civilian employees of the De-
13 partment of Defense.

14 (6) The policies, procedures, and processes im-
15 plemented by the Department of Defense related to
16 pre-deployment training of members of the Armed
17 Forces and civilian employees of the Department of
18 Defense on NATO policies on sexual harassment
19 and sexual assault.

20 (c) FORM.—The audit under subsection (a) shall be
21 submitted in unclassified form, but may include a classi-
22 fied annex.

1 **SEC. 1306. REPORT ON EFFORTS OF NATO TO COUNTER**
2 **MISINFORMATION AND DISINFORMATION.**

3 (a) IN GENERAL.—Not later than one year after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit to the entities specified in subsection (b) a
6 report on efforts of the North Atlantic Treaty Organiza-
7 tion (NATO) and NATO member states to counter misin-
8 formation and disinformation.

9 (b) ENTITIES SPECIFIED.—The entities specified in
10 this subsection are—

11 (1) the Committee on Armed Services and the
12 Committee on Foreign Affairs of the House of Rep-
13 resentatives and the Committee on Armed Services
14 and the Committee on Foreign Relations of the Sen-
15 ate; and

16 (2) each member of the United States delega-
17 tion to the NATO Parliamentary Assembly.

18 (c) ELEMENTS.—The report required by subsection
19 (a) shall—

20 (1) assess—

21 (A) vulnerabilities of NATO member states
22 and NATO to misinformation and
23 disinformation and describe efforts to counter
24 such activities;

25 (B) the capacity and efforts of NATO
26 member states and NATO to counter misin-

1 formation and disinformation, including United
2 States cooperation with other NATO members
3 states; and

4 (C) misinformation and disinformation
5 campaigns carried out by authoritarian states,
6 particularly Russia and China; and

7 (2) include recommendations to counter misin-
8 formation and disinformation.

9 **SEC. 1307. FUNDING FOR THE NATO STRATEGIC COMMU-
10 NICATIONS CENTER OF EXCELLENCE.**

11 (a) INCREASE.—Notwithstanding the amounts set
12 forth in the funding tables in division D, the amount au-
13 thorized to be appropriated by section 4301 for Operating
14 Forces, Special Operations Command Theatre Forces, line
15 110, as specified in the corresponding the corresponding
16 funding tables in division D, for the NATO Strategic
17 Communication Center of Excellence is hereby increased
18 by \$5,000,000, to be made available for the purposes de-
19 scribed in subsection (c).

20 (b) OFFSET.—Notwithstanding the amounts set forth
21 in the funding tables in division D, the amount authorized
22 to be appropriated in section 301 for operation and main-
23 tenance, Space Force, as specified in the corresponding
24 funding table in section 4301, for Contractor Logistics
25 and System Support is hereby reduced by \$5,000,000.

1 (c) PURPOSES.—The Secretary of Defense shall pro-
2 vide funds for the NATO Strategic Communications Cen-
3 ter of Excellence (in this section referred to as the “Cen-
4 ter”) to—

5 (1) enhance the capability, cooperation, and in-
6 formation sharing among NATO, NATO member
7 countries, and partners, with respect to strategic
8 communications and information operations; and

9 (2) facilitate education, research and develop-
10 ment, lessons learned, and consultation in strategic
11 communications and information operations.

12 (d) CERTIFICATION.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary of
14 Defense shall certify to the Committees on Armed Services
15 of the House of Representatives and the Senate that the
16 Secretary has assigned executive agent responsibility for
17 the Center to an appropriate organization within the De-
18 partment of Defense, and detail the steps being under-
19 taken to strengthen the role of Center in fostering stra-
20 tegic communications and information operations within
21 NATO.

22 (e) BRIEFING REQUIREMENT.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall brief the recipients listed in paragraph (2) not
25 less than twice each year on the efforts of the De-

1 partment of Defense to strengthen the role of the
2 Center in fostering strategic communications and in-
3 formation operations within NATO.

4 (2) RECIPIENTS.—The recipients listed in this
5 paragraph are the following:

6 (A) The Committee on Armed Services and
7 the Committee on Foreign Affairs of the House
8 of Representatives.

9 (B) The Committee on Armed Services and
10 the Committee on Foreign Relations of the Sen-
11 ate.

12 (C) Each member of the United States del-
13 egation to the NATO Parliamentary Assembly.

14 (3) REPORT.—Not later than 1 year after the
15 date of the enactment of this Act, the Secretary of
16 Defense shall submit to the Committees on Armed
17 Services of the House of Representatives and the
18 Senate a report on the matter described in para-
19 graph (1).

20 **SEC. 1308. BRIEFING ON IMPROVEMENTS TO NATO STRA-**
21 **TEGIC COMMUNICATIONS CENTER OF EXCEL-**
22 **LENCE.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of De-
25 fense, in coordination with the Secretary of State, shall

1 periodically brief the recipients listed in subsection (b)
2 on—

3 (1) how the Department of Defense is working
4 with the NATO Strategic Communications Center of
5 Excellence and the interagency to improve NATO's
6 ability to counter and mitigate disinformation, active
7 measures, propaganda, and denial and deception ac-
8 tivities of Russia and China; and

9 (2) how the Department of Defense is devel-
10 oping ways to improve strategic communications
11 within NATO, including enhancing the capacity of
12 and coordination with the NATO Strategic Commu-
13 nications Center of Excellence.

14 (b) RECIPIENTS.—The recipients listed in this para-
15 graph are the following:

16 (1) The Committee on Armed Services, the
17 Committee on Foreign Affairs, and the Committee
18 on Appropriations of the House of Representatives.

19 (2) The Committee on Armed Services and the
20 Committee on Appropriations of the Senate.

21 (3) Each member of the United States delega-
22 tion to the NATO Parliamentary Assembly.

23 (c) REPORT REQUIRED.—Not later than 1 year after
24 the date of the enactment of this Act, the Secretary of
25 Defense, in coordination with the Secretary of State, shall

1 submit to Congress a report containing the recommenda-
2 tions of the Secretary with respect to improving strategic
3 communications within NATO.

4 **SEC. 1309. SENSE OF CONGRESS ON ENHANCING NATO EF-**
5 **FORTS TO COUNTER MISINFORMATION AND**
6 **DISINFORMATION.**

7 It is the sense of Congress that the United States
8 should—

9 (1) prioritize efforts to enhance the North At-
10 lantic Treaty Organization' (NATO's) capacity to
11 counter misinformation and disinformation;

12 (2) support an increase in NATO's human, fi-
13 nancial, and technological resources and capacity
14 dedicated to understand, respond to, and fight
15 threats in the information space;

16 (3) support building technological resilience to
17 misinformation and disinformation;

18 (4) reiterate United States commitment to
19 women's equal rights and dedicate additional re-
20 sources to understanding and countering the effects
21 of gendered disinformation to democracies; and

22 (5) prioritize the importance of democratic re-
23 silience and countering misinformaton and
24 disinformation during ongoing negotiations over a

1 new NATO Strategic Concept to be adopted at the
2 2022 NATO summit.

3 **SEC. 1309A. SENSE OF CONGRESS RELATING TO THE NATO**
4 **PARLIAMENTARY ASSEMBLY.**

5 It is the sense of Congress that the United States
6 should—

7 (1) proactively engage with the North Atlantic
8 Treaty Organization (NATO) Parliamentary Assem-
9 bly (PA) and its member delegations;

10 (2) communicate with and educate the public
11 on the benefits and importance of NATO and NATO
12 PA; and

13 (3) support increased inter-democracy and
14 inter-parliamentary cooperation on countering misin-
15 formation and disinformation.

16 **Subtitle B—Security Cooperation**
17 **and Assistance**

18 **SEC. 1311. EXTENSION OF AUTHORITY FOR CERTAIN PAY-**
19 **MENTS TO REDRESS INJURY AND LOSS.**

20 Section 1213(a) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is
22 amended by striking “December 31, 2022” and inserting
23 “December 31, 2023”.

1 **SEC. 1312. FOREIGN AREA OFFICER ASSESSMENT AND RE-**
2 **VIEW.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Foreign Area Officers of the Army and
5 their equivalent positions in the other Armed Forces
6 (in this section referred to as “FAOs”) are trained
7 to manage, grow, and enhance security cooperation
8 relationships between the United States and foreign
9 partners and to build the overall military capacity
10 and capabilities of foreign partners.

11 (2) At present, some senior defense official po-
12 sitions in United States embassies are filled by offi-
13 cers lacking the necessary skills, training, and expe-
14 rience to strengthen the relationships between the
15 United States and its critical partners and allies.

16 (3) FAOs are trained to fill those positions, and
17 deficiencies in the equitable use, assessment, pro-
18 motion, diversity and inclusion of such officers, as
19 well as limitations on career opportunities, under-
20 mine the ability of the Department of Defense to
21 strengthen partnerships and alliances of the United
22 States.

23 (4) A federally funded research and develop-
24 ment center can provide a roadmap to correcting
25 these deficiencies, strengthening the FAO branch,
26 and placing qualified FAOs in positions of positive

1 influence over United States partnerships and alli-
2 ances.

3 (b) ASSESSMENT AND REVIEW REQUIRED.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date of the enactment of this Act, the Secretary
6 of Defense shall enter into an agreement with a fed-
7 erally funded research and development center to
8 conduct an independent assessment and comprehen-
9 sive review of the process by which Foreign Area Of-
10 ficers and their equivalent positions in the other
11 Armed Forces (in this section referred to as
12 “FAOs”) are recruited, selected, trained, assigned,
13 organized, promoted, retained, and used in security
14 cooperation offices, senior defense roles in U.S. em-
15 bassies, and in other critical roles of engagement
16 with allies and partners.

17 (2) ELEMENTS.—The assessment and review
18 conducted under paragraph (1) shall include the fol-
19 lowing:

20 (A) Identification and assessment of the
21 number and location of senior defense official
22 billets, including their grade structure and
23 availability to FAOs.

24 (B) A review of the cultural, racial, and
25 ethnic diversity of FAOs.

1 (C) An assessment of the assignment proc-
2 ess for FAOs.

3 (D) A review and assessment of the pro-
4 motion criteria, process, and possible pathways
5 for career advancement for FAOs.

6 (E) A review of the organization and cat-
7 egorization of FAOs by geographic region.

8 (F) An assessment of the training program
9 for FAOs and its effectiveness.

10 (G) An assessment of the available career
11 paths for FAOs.

12 (H) An assessment of the criteria used to
13 determine staffing requirements for senior de-
14 fense official positions and security cooperation
15 roles for uniformed officers.

16 (I) A review of the staffing of senior de-
17 fense official and security cooperation roles and
18 assessment to determine whether requirements
19 are being met through the staffing process.

20 (J) An assessment of how the broader uti-
21 lization of FAOs in key security cooperation
22 and embassy defense leadership billets would
23 improve the quality and professionalism of the
24 security cooperation workforce under section
25 384 of title 10, United States Code.

1 (K) A review of how many FAO opportuni-
2 ties are joint-qualifying and an assessment of
3 whether increasing the number of joint-qualified
4 opportunities for FAOs would increase recruit-
5 ment, retention, and promotion.

6 (L) Any other matters the Secretary deter-
7 mines relevant.

8 (c) RESULTS.—The federally funded research and de-
9 velopment center conducting the assessment and review
10 described in subsection (b) shall submit to the Secretary
11 the results of such assessment and review, which shall in-
12 clude the following:

13 (1) A summary of the research and activities
14 undertaken to carry out the assessment required by
15 subsection (b).

16 (2) Considerations and recommendations, in-
17 cluding legislative recommendations, to achieve the
18 following:

19 (A) Improving the assessment, promotion,
20 assignment selection, retention, and diversity of
21 FAOs.

22 (B) Assigning additional FAOs to positions
23 as senior defense officials.

24 (d) SUBMISSION TO CONGRESS.—

1 (1) IN GENERAL.—Not later than December 31,
2 2022, the Secretary shall submit to the Committees
3 on Armed Services of the Senate and the House of
4 Representatives—

5 (A) an unaltered copy of the results sub-
6 mitted pursuant to subsection (c); and

7 (B) the written responses of the Secretary
8 and the Chairman of the Joint Chiefs of Staff
9 to such results.

10 (2) FORM.—The submission under paragraph
11 (1) shall be submitted in unclassified form, but may
12 include a classified annex.

13 **SEC. 1313. WOMEN, PEACE, AND SECURITY ACT IMPLEMEN-**
14 **TATION AT MILITARY SERVICE ACADEMIES.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that \$15,000,000 should annually be made available
17 for activities that are—

18 (1) consistent with the Women, Peace, and Se-
19 curity Act of 2017 (Public Law 115–68; 131 Stat.
20 1202) and this section; and

21 (2) in furtherance of the national security prior-
22 ities of the United States.

23 (b) PROFESSIONAL MILITARY EDUCATION.—The
24 Secretary of Defense shall carry out activities consistent
25 with the Women, Peace, and Security Act of 2017 and

1 with this section, including by ensuring that professional
2 military education curriculum addresses—

3 (1) gender analysis;

4 (2) the meaningful participation of women in
5 national security activities; and

6 (3) the relationship between such participation
7 and security outcomes.

8 (c) BUILDING UNITED STATES CAPACITY.—

9 (1) MILITARY SERVICE ACADEMIES.—The Sec-
10 retary of Defense shall encourage the admission of
11 diverse individuals (including individuals who are
12 women) to each military service academy, including
13 by—

14 (A) establishing programs that hold com-
15 manding officers accountable for removing bi-
16 ases with respect to such individuals;

17 (B) ensuring that each military service
18 academy fosters a zero tolerance environment
19 for harassment towards such individuals; and

20 (C) ensuring that each military service
21 academy fosters equal opportunities for growth
22 that enable the full participation of such indi-
23 viduals in all training programs, career tracks,
24 and elements of the Department, especially in
25 elements of the Armed Forces previously closed

1 to women, such as infantry and special oper-
2 ations forces.

3 (2) PARTNERSHIPS WITH SCHOOLS AND NON-
4 PROFIT ORGANIZATIONS.—The Secretary of Defense
5 shall seek to enter into partnerships with elementary
6 schools, secondary schools, postsecondary edu-
7 cational institutions, and nonprofit organizations, to
8 support activities relating to the implementation of
9 the Women, Peace, and Security Act of 2017.

10 (3) BRIEFING.—Not later than one year after
11 the date of the enactment of this Act, the Director
12 of the Defense Security Cooperation Agency shall
13 provide to the appropriate committees of Congress a
14 briefing on efforts made at all levels to build partner
15 defense institution and security force capacity pursu-
16 ant to this section.

17 (4) DEFINITIONS.—In this subsection:

18 (A) The term “appropriate committees of
19 Congress” includes—

20 (i) the Committee on Armed Services,
21 the Committee on Foreign Affairs, and the
22 Committee on Transportation and Infra-
23 structure of the House of Representatives;
24 and

1 (ii) the Committee on Armed Services,
2 the Committee on Foreign Relations, and
3 the Committee on Commerce, Science, and
4 Transportation of the Senate.

5 (B) The terms “elementary school” and
6 “secondary school” have the meanings given
7 those terms in section 8101 of the Elementary
8 and Secondary Education Act of 1965 (20
9 U.S.C. 7801).

10 (C) The term “military service academy”
11 means the following:

12 (i) The United States Military Acad-
13 emy.

14 (ii) The United States Naval Acad-
15 emy.

16 (iii) The United States Air Force
17 Academy.

18 (iv) The United States Coast Guard
19 Academy.

20 (D) The term “postsecondary educational
21 institution” has the meaning given that term in
22 section 3 of the Carl D. Perkins Career and
23 Technical Education Act of 2006 (20 U.S.C.
24 2302).

1 (d) DEPARTMENT PERSONNEL, EDUCATION, AND
2 TRAINING.—The Secretary of Defense shall carry out ac-
3 tivities consistent with the Women, Peace, and Security
4 Act of 2017 and this section, including by—

5 (1) hiring and training of full-time equivalent
6 personnel as gender advisors of the Department;

7 (2) building on the implementation of the re-
8 quirements of section 1210E of the National De-
9 fense Authorization Act for Fiscal Year 2021 (10
10 U.S.C. 113 note) by establishing roles, responsibil-
11 ities, and requirements for personnel to advance im-
12 plementation of the Women, Peace, and Security Act
13 of 2017, which efforts should include attention to
14 commander and senior official-level engagement and
15 support for women, peace, and security commit-
16 ments;

17 (3) integrating gender analysis, the meaningful
18 participation of women, and their relationship to se-
19 curity outcomes into relevant training for all mem-
20 bers of the Armed Forces and civilian employees of
21 the Department of Defense, including special empha-
22 sis on senior level training and support for women,
23 peace, and security;

24 (4) developing standardized training across the
25 Department for gender advisors, gender focal points,

1 and women, peace, and security subject matter ex-
2 perts;

3 (5) ensuring that gender analysis and the
4 meaningful participation of women and their rela-
5 tionship to security outcomes is addressed in profes-
6 sional military education curriculum; and

7 (6) building the capacity of the Department to
8 conduct the partner country assessments described
9 in section 1210E(b)(2) of the National Defense Au-
10 thorization Act for Fiscal Year 2021.

11 (e) PILOT PROGRAM.—

12 (1) IN GENERAL.—The Secretary of State, in
13 coordination with the Secretary of Defense—

14 (A) shall direct and carry out a pilot pro-
15 gram to conduct partner country assessments in
16 each country selected in accordance with para-
17 graph (2) with respect to the barriers facing the
18 participation of women in the national security
19 forces of participating partner countries (in this
20 subsection referred to as a “pilot barrier assess-
21 ment”);

22 (B) should seek to enter into contracts
23 with nonprofit organizations or federally funded
24 research and development centers independent
25 of the Department of State and Department of

1 Defense for the purpose of conducting the pilot
2 barrier assessments; and

3 (C) shall, after a pilot barrier assessment
4 is conducted—

5 (i) review the methods of research and
6 analysis used by any entity contracted with
7 pursuant to subparagraph (B) in con-
8 ducting such assessment and identify les-
9 sons learned from the review; and

10 (ii) assess the ability of the Depart-
11 ment of State and Department of Defense
12 to conduct future pilot barrier assessments
13 without entering into a contract described
14 subparagraph (B), including by assessing
15 potential costs and benefits for the Depart-
16 ment that may arise from conducting such
17 future assessments without such contracts.

18 (2) SELECTION OF COUNTRIES.—The Secretary
19 of State, in consultation with the Secretary of De-
20 fense, commanders of the combatant commands, and
21 relevant United States ambassadors, shall select one
22 partner country from within the geographic area of
23 responsibility of each geographic combatant com-
24 mand for participation in the pilot program, taking
25 into consideration in each instance—

1 (A) the demonstrated political commitment
2 of a partner country to increasing the participa-
3 tion of women in the security sector; and

4 (B) the national security priorities and
5 theater campaign strategies of the United
6 States.

7 (3) PILOT BARRIER ASSESSMENT.—A pilot bar-
8 rier assessment pursuant to this subsection shall
9 be—

10 (A) adapted to the local context of the
11 partner country being assessed;

12 (B) conducted in collaboration with the se-
13 curity sector of the partner country being as-
14 sessed; and

15 (C) based on existing and tested meth-
16 odologies.

17 (4) FINDINGS.—

18 (A) IN GENERAL.—The Secretary of State,
19 in consultation with the Secretary of Defense,
20 shall use findings from each pilot barrier as-
21 sessment to inform effective security coopera-
22 tion activities and security sector assistance
23 interventions by the United States in the part-
24 ner country assessed. Such activities and inter-
25 ventions should substantially increase opportu-

1 nities for the recruitment, employment, develop-
2 ment, retention, deployment, and promotion of
3 women in the national security forces of such
4 partner country (including for deployments to
5 peace operations and for participation in
6 counterterrorism operations and activities).

7 (B) MODEL METHODOLOGY.—The Sec-
8 retary of State, in coordination with the Sec-
9 retary of Defense, shall develop a model barrier
10 assessment methodology from the findings of
11 the pilot program for use across the geographic
12 combatant commands.

13 (5) REPORTS ON PILOT PROGRAM.—

14 (A) INITIAL REPORT.—Not later than 2
15 years after the date of the enactment of this
16 Act, the Secretary of State, in coordination with
17 the Secretary of Defense, shall submit to the
18 appropriate committees of Congress an initial
19 report on the implementation of the pilot pro-
20 gram under this subsection, including an identi-
21 fication of the partner counties selected for par-
22 ticipation in the program and the justifications
23 for such selections.

24 (B) UPDATE TO REPORT.—Not later than
25 2 years after the date on which the initial re-

1 port under subparagraph (A) is submitted, the
2 Secretary of State, in coordination with the
3 Secretary of Defense, shall submit to the appro-
4 priate committees of Congress an update to the
5 initial report.

6 (C) REPORT ON METHODOLOGY.—On the
7 date on which the Secretary of State determines
8 the pilot program to be complete, the Secretary
9 of State, in coordination with the Secretary of
10 Defense, shall submit to the appropriate com-
11 mittees of Congress a report on the model bar-
12 rier assessment methodology developed pursu-
13 ant to paragraph (4)(B).

14 (D) APPROPRIATE COMMITTEES OF CON-
15 GRESS DEFINED.—For purposes of this para-
16 graph, the term “appropriate committees of
17 Congress” means—

18 (i) the Committee on Armed Services
19 and the Committee on Foreign Affairs of
20 the House of Representatives; and

21 (ii) the Committee on Armed Services
22 and the Committee on Foreign Relations
23 of the Senate.

1 **SEC. 1314. EXTENSION AND MODIFICATION OF AUTHORITY**
2 **FOR CERTAIN PAYMENTS TO REDRESS IN-**
3 **JURY AND LOSS.**

4 (a) **EXTENSION.**—Subsection (a) of section 1213 of
5 the National Defense Authorization Act for Fiscal Year
6 2020 (Public Law 116–92; 10 U.S.C. 2731 note) is
7 amended by striking “December 31, 2022” and inserting
8 “December 31, 2023”.

9 (b) **MODIFICATION TO CONDITIONS ON PAYMENT.**—
10 Subsection (b)(1) of such section 1213 is amended to read
11 as follows:

12 “(1) the prospective foreign civilian recipient is
13 not otherwise ineligible for payment under any other
14 provision of law;”.

15 (c) **MODIFICATIONS TO QUARTERLY REPORT RE-**
16 **QUIREMENT.**—Subsection (g) of such section 1213 is
17 amended by adding at the end the following:

18 “(3) The status of Department of Defense ef-
19 forts to establish the claims procedures required
20 under subsection (d)(1) and to otherwise implement
21 this section.”.

22 (d) **MODIFICATION TO PROCEDURE TO SUBMIT**
23 **CLAIMS.**—Such section 1213 is further amended—

24 (1) by redesignating subsections (d) through
25 (g), as amended, as subsections (e) through (h), re-
26 spectively; and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) PROCEDURES TO REVIEW ALLEGATIONS.—

4 “(1) PROCEDURES REQUIRED.—Not later than
5 180 days after the date of enactment of this sub-
6 section, the Secretary of Defense shall establish pro-
7 cedures to receive, evaluate, and respond to allega-
8 tions of civilian harm resulting from military oper-
9 ations involving the United States Armed Forces, a
10 coalition that includes the United States, or a mili-
11 tary organization supporting the United States.
12 Such responses may include—

13 “(A) a formal acknowledgement of such
14 harm;

15 “(B) a nonmonetary expression of condo-
16 lence; or

17 “(C) an ex gratia payment.

18 “(2) CONSULTATION.—In establishing the pro-
19 cedures under paragraph (1), the Secretary of De-
20 fense shall consult with the Secretary of State and
21 with nongovernmental organizations that focus on
22 addressing civilian harm in conflict.

23 “(3) POLICY UPDATES.—Not later than one
24 year after the date of the enactment of this sub-
25 section, the Secretary of Defense shall ensure that

1 procedures established under paragraph (1) are for-
2 malized through updates to the policy referred to in
3 section 936 of the John S. McCain National Defense
4 Authorization Act for Fiscal Year 2019 (Public Law
5 115–232; 10 U.S.C. 134 note).”.

6 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion or the amendments made by this section may be con-
8 strued to require the Secretary of Defense to pause, sus-
9 pend, or otherwise alter the provision of ex gratia pay-
10 ments in accordance with section 1213 of the National De-
11 fense Authorization Act for Fiscal Year 2020, as amend-
12 ed, in the course of developing the procedures required by
13 subsection (d) of such section (as added by subsection (d)
14 of this section).

15 **SEC. 1315. REPORT ON SECURITY ASSISTANCE TO THE GOV-**
16 **ERNMENTS OF MALI, GUINEA, AND CHAD.**

17 (a) **IN GENERAL.**—Not later than 90 days after the
18 date of the enactment of this Act, the Secretary of Defense
19 and the Secretary of State shall jointly submit to the ap-
20 propriate committees a report on security assistance pro-
21 vided to the Governments of Mali, Guinea, and Chad for
22 each of the fiscal years 2019, 2020, and 2021.

23 (b) **ELEMENTS.**—The report required by subsection
24 (a) shall include the following:

1 (1) A list of units of such countries that have
2 received or participated in Department of Defense-
3 or Department of State-funded training, equipment,
4 or other assistance programs in such fiscal years, in-
5 cluding a full accounting of the specific programs
6 under which such assistance was provided.

7 (2) The dollar amounts spent on such programs
8 for each of such countries in such fiscal years.

9 (3) A list of individuals in such units involved
10 in unconstitutional military seizures of or transfers
11 of power in any of such countries.

12 (4) A list of units, if any, in each country that
13 are currently prohibited from receiving assistance
14 pursuant to section 362 of title 10, United States
15 Code, or section 620M of the Foreign Assistance Act
16 of 1961 (22 U.S.C. 2378d) (collectively known as
17 the “Leahy Laws”).

18 (5) An assessment of the objectives of security
19 training as it relates to professionalization, stability,
20 and human rights and the extent to which such
21 training has achieved those objectives in such fiscal
22 years, including details of the metrics used to deter-
23 mine success.

24 (6) Lessons learned from the unconstitutional
25 military seizures of power in any of such countries

1 and the ways in which such lessons are being and
2 will be applied to ongoing and planned training, ca-
3 pacity-building, and other security assistance initia-
4 tives in the region.

5 (c) FORM.—The report required by subsection (a)
6 shall be submitted in unclassified form, but may include
7 a classified annex.

8 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
9 DEFINED.—In this section, the term “appropriate con-
10 gressional committees” means—

11 (1) the Committee on Armed Services and the
12 Committee on Foreign Affairs of the House of Rep-
13 resentatives; and

14 (2) the Committee on Armed Services and the
15 Committee on Foreign Relations of the Senate.

16 **SEC. 1316. STUDY ON CERTAIN SECURITY COOPERATION**
17 **PROGRAMS.**

18 (a) IN GENERAL.—Not later than 60 days after the
19 date of the enactment of this Act, the Secretary of Defense
20 shall enter into a contract with a federally funded research
21 and development center with the appropriate expertise and
22 analytical capability to carry out the study described in
23 subsection (b).

24 (b) STUDY.—The study described in this subsection
25 shall—

1 (1) provide for a comprehensive assessment of
2 strategic and operational lessons collected from the
3 war in Afghanistan that can be applied to existing
4 and future security cooperation programs;

5 (2) identify metrics used in the war in Afghani-
6 stan to measure progress in partner capacity build-
7 ing and defense institution building and whether
8 such metrics are sufficient for measuring progress in
9 future security cooperation programs;

10 (3) assess challenges related to strategic plan-
11 ning for capacity building, baseline assessments of
12 partner capacity, and issues related to project
13 sustainment, and recommendations for how to man-
14 age such challenges;

15 (4) assess Department of Defense coordination
16 with coalition partners engaged in partner capacity
17 building and defense institution building efforts, and
18 recommendations for how to improve such coordina-
19 tion;

20 (5) identify risks posed by rapid expansion or
21 reductions in security cooperation, and recommenda-
22 tions for how to manage such risks;

23 (6) identify risks posed by corruption in secu-
24 rity cooperation programs and recommendations for
25 how to manage such risks;

1 (7) assess best practices and training improve-
2 ments for managing cultural barriers in partner
3 countries, and recommendations for how to promote
4 cultural competency;

5 (8) assess the effectiveness of the Department
6 of Defense in promoting the rights of women, includ-
7 ing incorporating a gender perspective in security co-
8 operation programs, in accordance with the Women,
9 Peace and Security Strategic Framework and Imple-
10 mentation Plan issued by the Department of De-
11 fense in June 2020 and the Women, Peace and Se-
12 curity Act of 2017 (Public Law 115–68);

13 (9) identify best practices to promote partner
14 country ownership of long-term objectives of the
15 United States including with respect to human
16 rights, democratic governance, and the rule of law;

17 (10) assess challenges related to contractors of
18 the Department of Defense, including cost, limited
19 functions, and oversight; and

20 (11) assess best practices for sharing lessons on
21 security cooperation with allies and partners.

22 (c) REPORT.—

23 (1) TO SECRETARY OF DEFENSE.—Not later
24 than two years after the date on which a federally
25 funded research and development center enters into

1 a contract described in subsection (a), such center
2 shall submit to the Secretary of Defense a report
3 containing the results of the study required under
4 this section.

5 (2) TO CONGRESS.— Not later than 30 days
6 after the receipt of the report under paragraph (1),
7 the Secretary of Defense shall submit to Congress
8 such report, which shall be made public, together
9 with any additional views or recommendations of the
10 Secretary, which may be transmitted in a classified
11 annex.

12 **SEC. 1317. PLAN FOR VETTING SECURITY ASSISTANCE PAR-**
13 **TICIPANTS FOR PARTICIPATION IN GROUPS**
14 **THAT HAVE A VIOLENT IDEOLOGY.**

15 (a) PLAN REQUIRED.—Not later than 180 days after
16 the date of the enactment of this Act, the Secretary of
17 State, in coordination with the Secretary of Defense, shall
18 submit to the appropriate congressional committees a plan
19 for vetting the potential for United States security assist-
20 ance provided to units of foreign national security forces
21 to be received by groups or individuals that have a violent
22 ideology, including those that are white identity terrorist,
23 anti-semitic, or islamophobic, that includes a comprehen-
24 sive plan and strategy for how the Department will—

1 (1) vet recipients of United States security as-
2 sistance for ties to groups that have violent
3 ideologies, including those that are white identity
4 terrorist, anti-semitic, or islamophobic;

5 (2) develop vetting to flag recipients of United
6 States training, or others that have a relationship
7 with the Department of Defense, for affiliation with
8 groups that have violent ideologies, including those
9 that are white identity terrorist, anti-semitic, or
10 islamophobic;

11 (3) deny security assistance to recipients
12 flagged by the vetting techniques developed pursuant
13 to paragraph (2);

14 (4) inform local partner governments of the
15 reasons why assistance was denied and encourage
16 them to take steps to rectify the situation; and

17 (5) maintain and update existing databases
18 with institutions and groups flagged by the vetting
19 techniques developed pursuant to paragraph (2).

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means—

23 (1) the congressional defense committees;

24 (2) the Committee on Foreign Affairs of the
25 House of Representatives; and

1 (3) the Committee on Foreign Relations of the
2 Senate.

3 **Subtitle C—Other Matters**

4 **SEC. 1321. EXTENSION OF AUTHORITY FOR DEPARTMENT**
5 **OF DEFENSE SUPPORT FOR STABILIZATION**
6 **ACTIVITIES IN NATIONAL SECURITY INTER-**
7 **EST OF THE UNITED STATES.**

8 Section 1210A(h) of the National Defense Authoriza-
9 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
10 Stat. 1626) is amended by striking “December 31, 2021”
11 and inserting “December 31, 2022”.

12 **SEC. 1322. NOTIFICATION RELATING TO OVERSEAS HUMAN-**
13 **ITARIAN, DISASTER, AND CIVIC AID FUNDS**
14 **OBLIGATED IN SUPPORT OF OPERATION AL-**
15 **LIES REFUGE.**

16 Not later than 30 days after the date on which more
17 than \$100,000,000 of the amounts authorized to be ap-
18 propriated by the Act for overseas humanitarian, disaster,
19 and civic aid are obligated for expenses in support of Oper-
20 ation Allies Refuge, and every 90 days thereafter until all
21 such funds are obligated for Operation Allies Refuge, the
22 Secretary of Defense shall submit to the congressional de-
23 fense committees a notification that includes—

24 (1) the costs associated with the provision of
25 transportation, housing, medical services, and other

1 sustainment expenses for Afghan special immigrant
2 visa applicants and other Afghans at risk; and

3 (2) whether funds were obligated under a reim-
4 bursable or non-reimbursable basis.

5 **SEC. 1323. LIMITATION ON USE OF FUNDS FOR THE 2022**
6 **OLYMPIC AND PARALYMPIC WINTER GAMES**
7 **IN CHINA.**

8 (a) **LIMITATION.**—None of the funds authorized to
9 be appropriated or otherwise made available by this Act
10 may be made available to provide transportation for any
11 United States officer or official to attend, on official gov-
12 ernment business, the 2022 Olympic and Paralympic Win-
13 ter Games in the People’s Republic of China.

14 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
15 tion may be construed to limit the authorization of appro-
16 priations to provide security during the 2022 Olympic and
17 Paralympic Winter Games to any United States athlete
18 or associated support staff of the United States Olympic
19 and Paralympic Committee.

20 **SEC. 1324. REPORT ON HOSTILITIES INVOLVING UNITED**
21 **STATES ARMED FORCES.**

22 (a) **IN GENERAL.**—The President shall report to the
23 congressional defense committees, the Committee on For-
24 eign Relations of the Senate, and the Committee on For-
25 eign Affairs of the House of Representatives not later than

1 48 hours after any incident in which the United States
2 Armed Forces are involved in an attack or hostilities,
3 whether in an offensive or defensive capacity, unless the
4 President—

5 (1) otherwise reports the incident within 48
6 hours pursuant to section 4 of the War Powers Res-
7 olution (50 U.S.C. 1543); or

8 (2) has determined prior to the incident, and so
9 reported pursuant to section 1264 of the National
10 Defense Authorization Act for Fiscal Year 2018 (50
11 U.S.C. 1549), that the United States Armed Forces
12 involved in the incident would be operating under
13 specific statutory authorization within the meaning
14 of section 5(b) of the War Powers Resolution (50
15 U.S.C. 1544(b)).

16 (b) MATTERS TO BE INCLUDED.—Each report re-
17 quired by subsection (a) shall include—

18 (1) the statutory and operational authorities
19 under which the United States Armed Forces were
20 operating, including any relevant executive orders
21 and an identification of the operational activities au-
22 thorized under such executive orders;

23 (2) the date, location, duration, and other par-
24 ties involved;

1 (3) a description of the United States Armed
2 Forces involved and the mission of such Armed
3 Forces;

4 (4) the numbers of any combatant casualties
5 and civilian casualties; and

6 (5) any other information the President deter-
7 mines appropriate.

8 (c) FORM.—The report required by subsection (a)
9 shall be submitted in unclassified form, but may include
10 a classified annex.

11 **SEC. 1325. IMPOSITION OF SANCTIONS WITH RESPECT TO**
12 **NORD STREAM 2.**

13 (a) IMPOSITION OF SANCTIONS.—

14 (1) IN GENERAL.—Not later than 15 days after
15 the date of the enactment of this Act, the President
16 shall—

17 (A) impose sanctions under paragraph (2)
18 with respect to—

19 (i) any entity responsible for planning,
20 construction, or operation of the Nord
21 Stream 2 pipeline or a successor entity;
22 and

23 (ii) any other corporate officer of or
24 principal shareholder with a controlling in-

1 terest in an entity described in clause (i);

2 and

3 (B) impose sanctions under paragraph (3)

4 with respect to any entity responsible for plan-

5 ning, construction, or operation of the Nord

6 Stream 2 pipeline or a successor entity.

7 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR

8 PAROLE OF IDENTIFIED PERSONS AND CORPORATE

9 OFFICERS.—

10 (A) IN GENERAL.—

11 (i) VISAS, ADMISSION, OR PAROLE.—

12 An alien described in paragraph (1)(A)

13 is—

14 (I) inadmissible to the United

15 States;

16 (II) ineligible to receive a visa or

17 other documentation to enter the

18 United States; and

19 (III) otherwise ineligible to be

20 admitted or paroled into the United

21 States or to receive any other benefit

22 under the Immigration and Nation-

23 ality Act (8 U.S.C. 1101 et seq.).

24 (ii) CURRENT VISAS REVOKED.—

1 (I) IN GENERAL.—The visa or
2 other entry documentation of an alien
3 described in paragraph (1)(A) shall be
4 revoked, regardless of when such visa
5 or other entry documentation is or
6 was issued.

7 (II) IMMEDIATE EFFECT.—A rev-
8 ocation under subclause (I) shall—

9 (aa) take effect immediately;

10 and

11 (bb) automatically cancel
12 any other valid visa or entry doc-
13 umentation that is in the alien's
14 possession.

15 (3) BLOCKING OF PROPERTY OF IDENTIFIED
16 PERSONS.—The President shall exercise all powers
17 granted to the President by the International Emer-
18 gency Economic Powers Act (50 U.S.C. 1701 et
19 seq.) to the extent necessary to block and prohibit
20 all transactions in all property and interests in prop-
21 erty of an entity described in paragraph (1)(B) if
22 such property and interests in property are in the
23 United States, come within the United States, or are
24 or come within the possession or control of a United
25 States person.

1 (4) IMPLEMENTATION; PENALTIES.—

2 (A) IMPLEMENTATION.—The President
3 may exercise all authorities provided to the
4 President under sections 203 and 205 of the
5 International Emergency Economic Powers Act
6 (50 U.S.C. 1702 and 1704) to carry out this
7 subsection.

8 (B) PENALTIES.—A person that violates,
9 attempts to violate, conspires to violate, or
10 causes a violation of this subsection or any reg-
11 ulation, license, or order issued to carry out this
12 subsection shall be subject to the penalties set
13 forth in subsections (b) and (c) of section 206
14 of the International Emergency Economic Pow-
15 ers Act (50 U.S.C. 1705) to the same extent as
16 a person that commits an unlawful act de-
17 scribed in subsection (a) of that section.

18 (5) EXCEPTIONS.—

19 (A) EXCEPTION FOR INTELLIGENCE, LAW
20 ENFORCEMENT, AND NATIONAL SECURITY AC-
21 TIVITIES.—Sanctions under this subsection
22 shall not apply to any authorized intelligence,
23 law enforcement, or national security activities
24 of the United States.

1 (B) EXCEPTION TO COMPLY WITH UNITED
2 NATIONS HEADQUARTERS AGREEMENT.—Sanctions
3 under this subsection shall not apply with
4 respect to the admission of an alien to the
5 United States if the admission of the alien is
6 necessary to permit the United States to com-
7 ply with the Agreement regarding the Head-
8 quarters of the United Nations, signed at Lake
9 Success June 26, 1947, and entered into force
10 November 21, 1947, between the United Na-
11 tions and the United States, the Convention on
12 Consular Relations, done at Vienna April 24,
13 1963, and entered into force March 19, 1967,
14 or other applicable international obligations.

15 (C) EXCEPTION RELATING TO IMPORTA-
16 TION OF GOODS.—

17 (i) IN GENERAL.—Notwithstanding
18 any other provision of this subsection, the
19 authorities and requirements to impose
20 sanctions under this subsection shall not
21 include the authority or a requirement to
22 impose sanctions on the importation of
23 goods.

24 (ii) GOOD DEFINED.—In this subpara-
25 graph, the term “good” means any article,

1 natural or man-made substance, material,
2 supply or manufactured product, including
3 inspection and test equipment, and exclud-
4 ing technical data.

5 (6) SUNSET.—The authority to impose sanc-
6 tions under this subsection shall terminate on the
7 date that is 5 years after the date of the enactment
8 of this Act.

9 (7) DEFINITIONS.—In this subsection:

10 (A) ADMISSION; ADMITTED; ALIEN.—The
11 terms “admission”, “admitted”, and “alien”
12 have the meanings given those terms in section
13 101 of the Immigration and Nationality Act (8
14 U.S.C. 1101).

15 (B) UNITED STATES PERSON.—The term
16 “United States person” means—

17 (i) a United States citizen or an alien
18 lawfully admitted for permanent residence
19 to the United States;

20 (ii) an entity organized under the laws
21 of the United States or any jurisdiction
22 within the United States, including a for-
23 eign branch of such an entity; or

24 (iii) any person within the United
25 States.

1 (b) REPEAL OF NATIONAL INTEREST WAIVER
2 UNDER PROTECTING EUROPE’S ENERGY SECURITY ACT
3 OF 2019.—Section 7503 of the Protecting Europe’s En-
4 ergy Security Act of 2019 (title LXXV of Public Law
5 116–92; 22 U.S.C. 9526 note) is amended—

6 (1) in subsection (a)(1)(C), by striking “sub-
7 section (i)” and inserting “subsection (h)”;

8 (2) by striking subsection (f);

9 (3) by redesignating subsections (g) through (k)
10 as subsections (f) through (j), respectively; and

11 (4) in subsection (i), as redesignated by para-
12 graph (3), by striking “subsection (h)” and inserting
13 “subsection (g)”.

14 **SEC. 1326. REPORT ON AZERBAIJAN.**

15 (a) SENSE OF CONGRESS ON AZERBAIJAN’S ILLEGAL
16 DETENTION OF ARMENIAN PRISONERS OF WAR.—

17 (1) FINDINGS.—Congress makes the following
18 findings:

19 (A) On September 27, 2020, Azerbaijan,
20 with support from Turkey and foreign militia
21 groups, launched a military assault on
22 Nagorno-Karabakh, also known as Artsakh, re-
23 sulting in the deaths of thousands and dis-
24 placing tens of thousands of ethnic Armenian
25 residents.

1 (B) On November 9, 2020, Azerbaijan, Ar-
2 menia, and Russia signed a tripartite statement
3 to end the conflict.

4 (C) In signing the November 9 statement,
5 all parties agreed that the “exchange of pris-
6 oners of war, hostages and other detainees as
7 well as the remains of the fatalities shall be car-
8 ried out.”.

9 (D) The Third Geneva Convention, of
10 which Azerbaijan is a signatory, and customary
11 international law require the release of pris-
12 oners of war and captured civilians upon the
13 cessation of hostilities and require that all de-
14 tainees be treated humanely.

15 (E) Despite Azerbaijan’s obligations under
16 the Geneva Conventions and their commitments
17 in signing the November 9 statement, long after
18 the end of the conflict, the Government of Azer-
19 baijan continues to detain an estimated 200 Ar-
20 menian prisoners of war, hostages, and detained
21 persons, misrepresenting their status in an at-
22 tempt to justify their continued captivity.

23 (F) Human Rights Watch reported in De-
24 cember 2020, that Azerbaijani military forces
25 had mistreated ethnic Armenian prisoners of

1 war and subjected them to “physical abuse and
2 humiliation”.

3 (G) Columbia University’s Institute for the
4 Study of Human Rights issued a report on the
5 conflict that “document[s] crimes against hu-
6 manity and other atrocities committed by Azer-
7 baijani armed forces and Turkish-backed
8 Islamist fighters against Armenians”, including
9 beheadings, summary executions, and the dese-
10 cration of human remains.

11 (H) There is limited reliable information
12 about the condition or treatment of prisoners of
13 war and captured civilians, and there is signifi-
14 cant concern that female detainees in particular
15 could be subject to sexual assaults and other
16 mistreatment.

17 (I) The continued detainment of prisoners
18 of war and captured civilians by Azerbaijan
19 calls into serious question their commitment to
20 human rights and negotiating an equitable,
21 lasting peace settlement.

22 (J) Armenia has fulfilled its obligations
23 under the November 9 statement and inter-
24 national law by returning Azerbaijani prisoners
25 of war.

1 (K) The United States is a co-chair, along
2 with France and Russia, of the Organization
3 for Security and Co-operation in Europe Minsk
4 Group, which was created to seek a durable and
5 peaceful solution to the Nagorno-Karabakh con-
6 flict.

7 (2) SENSE OF CONGRESS.—It is the sense of
8 Congress that—

9 (A) Azerbaijan must immediately and un-
10 conditionally return all Armenian prisoners of
11 war and captured civilians; and

12 (B) the Biden Administration should en-
13 gage at all levels with Azerbaijani authorities,
14 including through the Organization for Security
15 and Co-operation in Europe Minsk Group proc-
16 ess, to make clear the importance of adhering
17 to their obligations, under the November 9
18 statement and international law, to immediately
19 release all prisoners of war and captured civil-
20 ians.

21 (b) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Defense,
23 in consultation with the Secretary of State, shall submit
24 to the relevant congressional committees a report on the
25 following:

1 (1) United States-origin parts and technology
2 discovered in Turkish Bayraktar unmanned aerial
3 vehicles deployed by Azerbaijan against Nagorno
4 Karabakh between September 27, 2020 and Novem-
5 ber 9, 2020, including an assessment of any poten-
6 tial violations of violations of the Arms Export Con-
7 trol Act or other applicable laws, sanctions policies,
8 or other provisions of United States law related to
9 the discovery of such parts and technology.

10 (2) Azerbaijan’s use of white phosphorous, clus-
11 ter bombs, and prohibited munitions deployed by
12 Azerbaijan against civilians and civilian infrastruc-
13 ture in Nagorno Karabakh between September 27,
14 2020, and November 9, 2020, including an assess-
15 ment of any potential violations of United States or
16 international law related to the use of such muni-
17 tions.

18 (3) Turkey’s and Azerbaijan’s recruitment of
19 foreign terrorist fighters to participate in Azer-
20 baijan’s offensive military operations against
21 Nagorno Karabakh between September 27, 2020,
22 and November 9, 2020, including an assessment of
23 any related potential violations of United States law,
24 the International Convention against the Recruit-

1 ment, Use, Financing and Training of Mercenaries,
2 or other international or multilateral treaties.

3 (c) **RELEVANT CONGRESSIONAL COMMITTEES.**—In
4 this section, the term “relevant congressional committees”
5 means the Committee on Foreign Affairs and Committee
6 on Armed Services of the House of Representatives and
7 the Committee on Foreign Relations and Committee on
8 Armed Services of the Senate.

9 (1) Azerbaijan must immediately and uncondi-
10 tionally return all Armenian prisoners of war and
11 captured civilians; and

12 (2) the Biden Administration should engage at
13 all levels with Azerbaijani authorities, including
14 through the Organization for Security and Co-oper-
15 ation in Europe Minsk Group process, to make clear
16 the importance of adhering to their obligations,
17 under the November 9 statement and international
18 law, to immediately release all prisoners of war and
19 captured civilians.

20 **SEC. 1327. RULE OF LAW AND DEMOCRATIC STABILITY IN**
21 **CENTRAL AMERICA ACT.**

22 (a) **SANCTIONS RELATING TO ACTS OF SIGNIFICANT**
23 **CORRUPTION AND ANTI-DEMOCRATIC BEHAVIOR.**—

24 (1) **EXTENSION OF VISA SANCTIONS AGAINST**
25 **PERSONS ENGAGING IN ACTS OF SIGNIFICANT COR-**

1 RUPTION.—Each person listed pursuant to the re-
2 quirements of section 353(b) of the Department of
3 State, Foreign Operations, and Related Programs
4 Appropriations Act, 2021 (title III of division FF of
5 Public Law 116–260, relating to targeted sanctions
6 to fight corruption in El Salvador, Guatemala, and
7 Honduras) or pursuant to any other provision of law
8 requiring a report identifying foreign persons who
9 the President, acting through the Secretary of State,
10 determines to have knowingly engaged in actions
11 that undermine democratic processes or institutions,
12 or in significant corruption or obstruction of inves-
13 tigation, and all immediate family members of such
14 person, shall be deemed to be ineligible for entry
15 into the United States in the same manner and to
16 the same extent as an official ineligible for such
17 entry pursuant to section 7031(c) of division K of
18 such Act.

19 (2) INTERNATIONAL COORDINATION.— The
20 Secretary of State and Secretary of the Treasury
21 shall seek to engage international partners and
22 international institutions for information sharing
23 and technical assistance for coordinated action, in-
24 cluding economic sanctions, visa restrictions, or ad-

1 ditional restrictions on security assistance or co-
2 operation, against undemocratic, corrupt actors.

3 (b) LIMITATION ON ASSISTANCE WITH RESPECT TO
4 EL SALVADOR, HONDURAS, OR GUATEMALA.—

5 (1) LIMITATION.—Funds authorized to be ap-
6 propriated by this Act or otherwise made available
7 for fiscal year 2022 for the Department of Defense
8 or the Department of State may be obligated or ex-
9 pended for assistance, including training and equip-
10 ment, to a unit or member of the security forces of
11 El Salvador, Honduras, or Guatemala only if such
12 unit—

13 (A)(i) has had no credible allegation of sig-
14 nificant corruption, including in its leadership,
15 within the five years prior to the date of the en-
16 actment of this section;

17 (ii) has had no credible allegation of
18 impeding democratic processes within the
19 five years prior to such date of enactment;
20 and

21 (iii) has had no credible allegation of
22 threatening personnel of the United States
23 Government or international organizations
24 within the five years prior to such date of
25 enactment; or

1 (B) the government of such country has
2 taken effective steps to hold accountable any
3 person or unit of a security force credibly al-
4 leged to have engaged in an activity described
5 in clauses (i) through (iii) of subparagraph (A).

6 (2) VETTING REPORT REQUIRED.—Not later
7 than 60 days after providing any assistance de-
8 scribed in paragraph (1), the Secretary of Defense,
9 in coordination with the Secretary of State, shall
10 submit to the congressional defense committees, the
11 Committee on Foreign Affairs of the House of Rep-
12 resentatives, and the Committee on Foreign Rela-
13 tions of the Senate a report that—

14 (A) identifies the unit to which such assist-
15 ance has been provided;

16 (B) describes the vetting process used; and

17 (C) describes how such assistance is im-
18 pacting United States policy and how the rel-
19 evant country is taking effective steps to pre-
20 vent any misuse of such assistance.

21 (3) TRANSFER AUTHORITY.—The Secretary of
22 Defense and the Secretary of State, respectively,
23 may make available amounts withheld from obliga-
24 tion or expenditure pursuant to the limitation under
25 paragraph (1) for programs in El Salvador, Hon-

1 duras, or Guatemala that do not support the central
2 governments of such countries.

3 (4) REPORT ON NORTHERN TRIANGLE COUN-
4 TRIES.—

5 (A) IN GENERAL.—Not later than 180
6 days after the date of the enactment of this
7 Act, the Secretary of Defense, in consultation
8 with the Secretary of State, and shall submit to
9 the appropriate congressional committees a re-
10 port that includes the following:

11 (i) A description of any ongoing or
12 planned activities in cooperation with the
13 security forces of the Northern Triangle
14 countries.

15 (ii) An assessment of the adherence of
16 the security forces of the Northern Tri-
17 angle countries to human rights norms and
18 the rule of law, and a description of any
19 ongoing or planned activities between the
20 United States and the Northern Triangle
21 countries focused on protection of human
22 rights and adherence to the rule of law, as
23 well as the response by the Department to
24 any serious violations of human rights or

1 anti-democratic actions by the security
2 forces of such countries.

3 (iii) A list of all United States train-
4 ing and equipment provided to the security
5 forces of the Northern Triangle countries
6 within the 2 years prior to the date of the
7 enactment of this Act, the number of in-
8 spections of the use of such equipment
9 that have occurred during that period, and
10 the nature of those inspections.

11 (iv) An evaluation of the current vet-
12 ting process used to ensure that any such
13 equipment is not provided to a unit or in-
14 dividual that is ineligible to receive such
15 equipment under paragraph (1).

16 (v) A list of any such units or individ-
17 uals that are credibly alleged to have en-
18 gaged in serious violations of human
19 rights, significant corruption, or anti-
20 democratic activities that have received
21 United States assistance within the two
22 years prior to the date of the enactment of
23 this Act.

24 (vi) A list of any such units that are
25 known to the Secretary to have used

1 United States equipment for any purpose
2 other than the purpose for which the
3 equipment was provided by the United
4 States.

5 (B) FORM.—The report required by sub-
6 paragraph (A) shall be submitted in unclassi-
7 fied form, but may contain a classified annex.

8 (C) DEFINITIONS.—In this paragraph—

9 (i) the term “Northern Triangle coun-
10 tries” means El Salvador, Honduras, and
11 Guatemala; and

12 (ii) the term “appropriate congres-
13 sional committees” means the congres-
14 sional defense committees, the Committee
15 on Foreign Affairs of the House of Rep-
16 resentatives, and the Committee on For-
17 eign Relations of the Senate.

18 (c) STATE DEPARTMENT FELLOWSHIPS FOR RULE
19 OF LAW ACTIVITIES IN CENTRAL AMERICA.—

20 (1) ESTABLISHMENT.—There is established in
21 the Department of State a fellowship program, to be
22 known as the “Central American Network for De-
23 mocracy”, to support a regional corps of civil soci-
24 ety, activists, lawyers (including members of the ju-
25 diciary and prosecutors’ offices), journalists, and in-

1 investigators to leverage lessons learned in order to
2 contribute to regional democracy and rule of law ac-
3 tivities in Central America, including electoral and
4 transition support, institutional reform, anti-corrup-
5 tion investigations, and local engagement.

6 (2) REGIONAL AND INTERNATIONAL SUP-
7 PORT.—The Secretary of State shall take such steps
8 as may be necessary to obtain support for such fel-
9 lowships from international foundations, regional
10 and United States governmental and nongovern-
11 mental organizations, and regional and United
12 States universities.

13 (3) FOCUS; SAFETY.—Activities carried out
14 under the fellowship—

15 (A) should focus on coordination and con-
16 sultation with key bodies to continue their de-
17 mocracy efforts, including the Department of
18 Justice, Department of Treasury, Department
19 of State, the United States Agency for Inter-
20 national Development, the Organization of
21 American States, the Inter-American Court for
22 Human Rights, and the United Nations; and

23 (B) may include strengthened protection
24 for the physical safety of individuals who must
25 leave their home country to participate in the

1 program, including assistance for temporary re-
2 location, English language learning, and mental
3 health support.

4 (d) REPORTS AND BRIEFING REQUIRED.—

5 (1) ANNUAL PROGRESS REPORT.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of the enactment of this
8 Act, and annually thereafter, the Secretary of
9 State shall submit to Congress a report entitled
10 “Rule of Law and Democratic Stability in Cen-
11 tral America,” that includes—

12 (i) a description of the efforts of the
13 Department of State, working with the
14 United States Agency for International
15 Development, to address whole-of-govern-
16 ment approaches to counter democratic de-
17 ficiencies or backsliding, endemic corrup-
18 tion, efforts to weaken the rule of law, and
19 attacks against independent media and
20 civil society organizations that threaten po-
21 litical instability and prevent equitable de-
22 velopment opportunities in the preceding
23 year; and

24 (ii) a description of all economic sanc-
25 tions, visa restrictions, or other measures

1 taken by the United States to achieve the
2 goals described in paragraph (1), and the
3 impact of such actions.

4 (B) FORM; PUBLICATION.—

5 (i) FORM.—The report required by
6 subparagraph (A) shall be submitted in
7 unclassified form but may include a classi-
8 fied annex.

9 (ii) PUBLICATION.—The unclassified
10 portion of each report required by subpara-
11 graph (A) shall be made publicly available
12 by the committee or committees of Con-
13 gress receiving such report.

14 (2) INCLUSION OF CORRUPTION CONCERNS IN
15 OTHER REPORTING.—The Secretary of State shall
16 include consideration of measures against corruption
17 in the context of all required reporting with respect
18 to human rights, including in the annual Country
19 Reports on Human Rights Practices submitted pur-
20 suant to section 116 of the Foreign Assistance Act
21 of 1961 (22 U.S.C. 2151n).

22 (3) INTERNATIONAL FINANCIAL INSTITUTION
23 FUNDING ASSESSMENT.—Not later than 90 days
24 after the date of the enactment of this Act, the Sec-
25 retary of State shall submit to Congress a review of

1 all United States funding made available to inter-
2 national financial institutions in the previous fiscal
3 year that includes a determination whether any such
4 funding has been provided to any individual or any
5 institution led by an individual credibly alleged to
6 have engaged in acts of corruption or the obstruc-
7 tion of democratic processes or institutions. Such re-
8 view shall also include a description of the actions
9 taken in the instance that funds are misused,
10 abused, or assessed to be misused, abused, or other-
11 wise used for corrupt or undemocratic actions, and
12 how the public procurement process played a role in
13 the matter.

14 (4) CENTRAL AMERICA INTELLIGENCE ASSESS-
15 MENT.—Not later than 90 days after the date of the
16 enactment of this Act, the Secretary of State, in co-
17 ordination with the Director of National Intelligence
18 and the heads of other applicable Federal depart-
19 ments and agencies shall conduct and submit to
20 Congress an intelligence assessment examining im-
21 proper influence or interference by persons com-
22 prising corrupt power structures and illicit networks,
23 such as organized crime, over the security sector, ju-
24 dicial sector, legislative bodies, and public finance
25 and procurement processes in Central American

1 countries, in order to prioritize investigations of in-
2 dividuals who play a significant role in enabling high
3 level corruption and obstruction of democratic proc-
4 esses, including—

5 (A) current or former officials of the secu-
6 rity sector or the justice sector, including offi-
7 cials of any sector or ministry involved in the
8 selection of prosecutors or other judicial offi-
9 cers, who have willfully cooperated or colluded
10 with such corrupt structures or illicit networks;

11 (B) private citizens, entities, and non-
12 governmental organizations involved in—

13 (i) the bribery of or threats against,
14 personnel of the justice sector, journalists,
15 or activists; or

16 (ii) the misuse of disciplinary pro-
17 ceedings and formal and informal sanc-
18 tions with respect to the justice sector with
19 the intention of harassing, punishing, or
20 otherwise interfering with the legitimate
21 exercise of a judge's professional activities

22 (C) any other persons directly involved in,
23 financing, or otherwise supporting, the activities
24 described in subparagraph (A) or (B).

25 (5) QUARTERLY BRIEFINGS.—

1 (A) IN GENERAL.—The Secretary of State
2 shall provide quarterly briefings, including in
3 classified form as appropriate, to the appro-
4 priate congressional committees to discuss the
5 strategy of the Department to leverage all
6 United States tools, including non-public and
7 public visa restrictions or revocations, economic
8 sanctions, asset forfeitures, or criminal charges,
9 to sanction the foreign persons described in
10 subparagraph (B), any actions taken in the pre-
11 ceeding quarter against corrupt and undemo-
12 cratic foreign persons, and the outcome of such
13 actions to date. Such briefings shall also include
14 a discussion of actions proposed to be taken in
15 the forthcoming quarter with respect to such
16 persons.

17 (B) TARGETED FOREIGN NATIONALS.—
18 The foreign persons described in this subpara-
19 graph are the following:

20 (i) Foreign persons identified in the
21 intelligence assessment required by para-
22 graph (4), including persons providing ma-
23 terial support for acts of significant cor-
24 ruption such as influence peddling, illicit

1 enrichment, abuse of power, or acts that
2 serve to protect and maintain impunity.

3 (ii) Foreign persons engaging in a
4 pattern or practice of threatening justice
5 sector personnel, witnesses, victims or their
6 representatives in an official proceeding,
7 including through direct communications,
8 public defamation campaigns, or the inten-
9 tional misuse of legal process to harass
10 such persons with the purpose or effect of
11 intimidating and obstructing the judicial
12 process, except that speech, including
13 through social media, that would be pro-
14 tected in the United States under the First
15 Amendment to the United States Constitu-
16 tion may not be construed to constitute
17 such a pattern or practice.

18 (iii) Foreign persons providing a thing
19 of value in exchange for an official act, in-
20 cluding—

21 (I) providing campaign funds for
22 the purpose of securing lax enforce-
23 ment of the law or access to public re-
24 sources; or

1 (II) supporting appointment to
2 an official post in exchange for favor-
3 able treatment.

4 (iv) Foreign persons obstructing jus-
5 tice in human rights or corruption inves-
6 tigation or prosecutions, including by fil-
7 ing legal claims for an improper purpose
8 such as to harass, delay or increase the
9 cost of litigation.

10 (v) Foreign persons repressing free
11 speech, assembly, or organization.

12 (vi) Foreign persons threatening or
13 committing violence or intimidation against
14 investigators, activists, journalists, or
15 human rights defenders.

16 (vii) Foreign persons committing ac-
17 tions or policies that undermine democratic
18 processes or institutions.

19 (viii) Foreign persons attempting to
20 manipulate elections or suppress votes, in-
21 cluding through the misuse of administra-
22 tive resources, corrupt interference in the
23 regulation or administration of elections,
24 intimidation at the polls, or the intentional

1 publication of false information pertaining
2 to elections, candidates, or parties.

3 (ix) Foreign persons interfering in
4 any election for public office in Central
5 America or in the United States, including
6 official candidate selection processes or
7 campaign finance.

8 (x) Foreign officials or groups pro-
9 viding financial support or indirect support
10 to any other person engaged in one or
11 more of the activities described in this
12 paragraph.

13 (e) AUTHORIZATION OF APPROPRIATIONS TO SUP-
14 PORT RULE OF LAW AND ANTI-CORRUPTION ACTIVI-
15 TIES.—There is authorized to be appropriated
16 \$10,000,000 for the Secretary of State and the Adminis-
17 trator of the United States Agency for International De-
18 velopment to strengthen the rule of law, combat corrup-
19 tion, consolidate democratic governance, and protect and
20 defend human rights, including for activities carried out
21 with respect to Central American countries.

22 **SEC. 1328. DEPARTMENT OF STATE EFFORTS REGARDING**
23 **FIREARMS TRAFFICKING TO MEXICO.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Secretary of State shall report to

1 the Committee on Foreign Affairs of the House of Rep-
2 resentatives and the Committee on Foreign Relations of
3 the Senate on the Department of State’s actions to disrupt
4 firearms trafficking to Mexico that includes—

5 (1) the results of the Department’s efforts in
6 Mexico on combating firearms trafficking from the
7 United States; and

8 (2) the Department’s actions to implement the
9 recommendations, including targets with baselines
10 and timeframes for the Department’s efforts in Mex-
11 ico on combating firearms trafficking, contained in
12 the report of the Government Accountability Office
13 entitled “Firearms Trafficking: U.S. Efforts to Dis-
14 rupt Gun Smuggling into Mexico Would Benefit
15 from Additional Data and Analysis”, dated Feb-
16 ruary 22, 2021 (GAO–21–322).

17 **SEC. 1329. GRAY ZONE REVIEW ACT.**

18 (a) **STUDY REQUIRED.**—Not later than 180 days
19 after the enactment of this Act, the Comptroller General
20 shall submit to Congress a study on the capabilities of the
21 United States to conduct and respond to gray zone cam-
22 paigns.

23 (b) **ELEMENTS WITH RESPECT TO THE NATURE OF**
24 **GRAY ZONE OPERATIONS.**—

1 (1) An evaluation of the adequacy and utility of
2 the definitions set forth in subsection (h) for under-
3 standing gray zone activity and for operationalizing
4 gray zone campaigns.

5 (2) Agencies, offices, and units of the Federal
6 Government that are suited to gray zone operations
7 or are at particular risk from gray zone operations
8 that are not covered agencies for purposes of this
9 section.

10 (c) ELEMENTS WITH RESPECT TO COVERED AGEN-
11 CIES.—The study shall examine the following with respect
12 to each covered agency:

13 (1) The capabilities, offices, and units that are
14 especially suited to gray zone operations and a de-
15 scription of the roles each can play.

16 (2) Recommendations for addressing gaps with-
17 in covered agencies for effectively conducting gray
18 zone operations including proposed necessary invest-
19 ments to significantly increase these capabilities to
20 mitigate gray zone threats, the rationale for each,
21 and expected cost.

22 (d) SUBDIVISIONS WITH RESPECT TO CERTAIN COV-
23 ERED AGENCIES.—In addition to the elements described
24 in paragraph (2) with respect to the agency as a whole,

1 the report required under paragraph (1) shall also include
2 specifically disaggregated information on the following:

3 (1) With respect to the section of the report re-
4 lating to the Department of Defense, the informa-
5 tion described in subsection (c) with respect to each
6 military service and regional combatant command,
7 as appropriate.

8 (2) With respect to the section of the study re-
9 lating to the Department of State—

10 (A) an identification of 25 priority coun-
11 tries at the front lines of adversary gray zone
12 aggression; and

13 (B) the adequacy of the Department of
14 State's public affairs elements, including the
15 Global Engagement Center, for conducting and
16 responding to information operations conducted
17 as part of a gray zone campaign.

18 (e) ELEMENTS WITH RESPECT TO INTERAGENCY.—
19 The study shall examine the following with respect to
20 interagency coordination of and capacity to conduct and
21 respond to gray zone campaigns:

22 (1) The capacity of the interagency to marshal
23 disparate elements of national power to effectively
24 respond in a coordinated manner to adversary gray

1 zone campaigns against the United States or partner
2 nations.

3 (2) The capacity to recognize adversary cam-
4 paigns from weak signals, including rivals' intent,
5 capability, impact, interactive effects, and impact on
6 United States interests.

7 (3) A description of the process for determining
8 the tolerance for adversary gray zone activity, in-
9 cluding the methods and mechanisms for—

10 (A) determining which adversary gray zone
11 activities are unacceptable;

12 (B) communicating these positions to ad-
13 versaries;

14 (C) developing theories of deterrence; and

15 (D) establishing and regularly reviewing
16 protocols with allies and partners to respond to
17 such activities.

18 (4) Recommendations for addressing gaps be-
19 tween covered agencies as well as inadequacies and
20 inefficiencies in the interagency coordination of cov-
21 ered agencies and their elements including a discus-
22 sion of how such recommendations will be sufficient
23 to achieve United States gray zone objectives and to
24 counter adversary gray zone campaigns.

1 (f) FORM.—The report described in this subsection
2 shall be submitted in an unclassified format insofar as
3 possible and shall include a classified annex.

4 (g) COVERED AGENCIES DEFINED.—For purposes of
5 the review and report described in paragraph (1), the term
6 “covered agencies” means the following:

7 (1) The Department of State.

8 (2) The Department of Defense.

9 (3) The Department of Justice.

10 (4) The Department of Commerce

11 (5) The Department of Homeland Security.

12 (6) The Department of the Treasury.

13 (7) The Office of the Director of National Intel-
14 ligence.

15 (8) The Central Intelligence Agency.

16 (9) The National Security Agency.

17 (10) The United States International Develop-
18 ment Finance Corporation.

19 (11) The United States Agency for Global
20 Media.

21 (12) The United States Trade Representative.

22 (h) DEFINITION.—For purposes of this section:

23 (1) The term “gray zone operations” is defined
24 as state-directed operations against another state
25 that are not associated with routine statecraft and

1 are meant to advance a country's foreign objectives
2 without crossing a threshold that results in a con-
3 ventional military response or open hostilities. Such
4 activities include the following:

5 (A) Information warfare, including the
6 spreading of disinformation or propaganda.

7 (B) Encouraging internal strife within tar-
8 get countries.

9 (C) Coordinated efforts to unduly influence
10 democratic elections or related political activi-
11 ties.

12 (D) Economic coercion.

13 (E) Cyber operations, below the threshold
14 of conflict, aimed at coercion, espionage, or oth-
15 erwise undermining a target.

16 (F) Support of domestic or foreign proxy
17 forces.

18 (G) Coercive investment and bribery for
19 political aims.

20 (H) Industrial policy designed to monopo-
21 lize a strategic industry or to destroy such an
22 industry in other nations, especially when co-
23 ordinated with other gray zone operations.

24 (I) Military, paramilitary, or similar provo-
25 cations and operations short of war.

1 (J) Government financing or sponsorship
2 of activities described in subparagraphs (A)
3 through (I).

4 (2) The term “gray zone campaigns” is the use
5 of gray zone operations, including the coordination
6 of gray zone operations against multiple domains,
7 with the goal of achieving a political or military ob-
8 jective.

9 **SEC. 1330. TRANSNATIONAL REPRESSION ACCOUNTABILITY**
10 **AND PREVENTION.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) The International Criminal Police Organiza-
14 tion (INTERPOL) works to prevent and fight crime
15 through enhanced cooperation and innovation on po-
16 lice and security matters, including kleptocracy,
17 counterterrorism, cybercrime, counternarcotics, and
18 transnational organized crime.

19 (2) United States membership and participation
20 in INTERPOL advances the national security and
21 law enforcement interests of the United States re-
22 lated to combating kleptocracy, terrorism,
23 cybercrime, narcotics, and transnational organized
24 crime.

1 (3) Article 2 of INTERPOL’s Constitution
2 states that the organization aims “[to] ensure and
3 promote the widest possible mutual assistance be-
4 tween all criminal police authorities . . . in the spir-
5 it of the ‘Universal Declaration of Human Rights’”.

6 (4) Article 3 of INTERPOL’s Constitution
7 states that “[i]t is strictly forbidden for the Organi-
8 zation to undertake any intervention or activities of
9 a political, military, religious or racial character”.

10 (5) These principles provide INTERPOL with a
11 foundation based on respect for human rights and
12 avoidance of politically motivated actions by the or-
13 ganization and its members.

14 (6) According to the Justice Manual of the
15 United States Department of Justice, “[i]n the
16 United States, national law prohibits the arrest of
17 the subject of a Red Notice issued by another
18 INTERPOL member country, based upon the notice
19 alone”.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that some INTERPOL member countries have re-
22 peatedly misused INTERPOL’s databases and processes,
23 including Notice and Diffusion mechanisms, for activities
24 of an overtly political or other unlawful character and in
25 violation of international human rights standards, includ-

1 ing making requests to harass or persecute political oppo-
2 nents, human rights defenders, or journalists.

3 (c) SUPPORT FOR INTERPOL INSTITUTIONAL RE-
4 FORMS.—The Attorney General and the Secretary of State
5 shall—

6 (1) use the voice, vote, and influence of the
7 United States, as appropriate, within INTERPOL’s
8 General Assembly and Executive Committee to pro-
9 mote reforms aimed at improving the transparency
10 of INTERPOL and ensuring its operation consistent
11 with its Constitution, particularly articles 2 and 3,
12 and Rules on the Processing of Data, including—

13 (A) supporting INTERPOL’s reforms en-
14 hancing the screening process for Notices, Dif-
15 fusions, and other INTERPOL communications
16 to ensure they comply with INTERPOL’s Con-
17 stitution and Rules on the Processing of Data
18 (RPD);

19 (B) supporting and strengthening
20 INTERPOL’s coordination with the Commis-
21 sion for Control of INTERPOL’s Files (CCF)
22 in cases in which INTERPOL or the CCF has
23 determined that a member country issued a No-
24 tice, Diffusion, or other INTERPOL commu-
25 nication against an individual in violation of ar-

1 titles 2 or 3 of the INTERPOL Constitution,
2 or the RPD, to prohibit such member country
3 from seeking the publication or issuance of any
4 subsequent Notices, Diffusions, or other
5 INTERPOL communication against the same
6 individual based on the same set of claims or
7 facts;

8 (C) increasing, to the extent practicable,
9 dedicated funding to the CCF and the Notices
10 and Diffusions Task Force in order to further
11 expand operations related to the review of re-
12 quests for red notices and red diffusions;

13 (D) supporting candidates for positions
14 within INTERPOL's structures, including the
15 Presidency, Executive Committee, General Sec-
16 retariat, and CCF who have demonstrated expe-
17 rience relating to and respect for the rule of
18 law;

19 (E) seeking to require INTERPOL in its
20 annual report to provide a detailed account,
21 disaggregated by member country or entity of—

22 (i) the number of Notice requests,
23 disaggregated by color, that it received;

24 (ii) the number of Notice requests,
25 disaggregated by color, that it rejected;

1 (iii) the category of violation identified
2 in each instance of a rejected Notice;

3 (iv) the number of Diffusions that it
4 cancelled without reference to decisions by
5 the CCF; and

6 (v) the sources of all INTERPOL in-
7 come during the reporting period; and

8 (F) supporting greater transparency by the
9 CCF in its annual report by providing a de-
10 tailed account, disaggregated by country, of—

11 (i) the number of admissible requests
12 for correction or deletion of data received
13 by the CCF regarding issued Notices, Dif-
14 fusions, and other INTERPOL commu-
15 nications; and

16 (ii) the category of violation alleged in
17 each such complaint;

18 (2) inform the INTERPOL General Secretariat
19 about incidents in which member countries abuse
20 INTERPOL communications for politically moti-
21 vated or other unlawful purposes so that, as appro-
22 priate, action can be taken by INTERPOL; and

23 (3) request to censure member countries that
24 repeatedly abuse and misuse INTERPOL's red no-
25 tice and red diffusion mechanisms, including re-

1 stricting the access of those countries to
2 INTERPOL's data and information systems.

3 (d) REPORT ON INTERPOL.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, and bian-
6 nually thereafter for a period of 4 years, the Attor-
7 ney General and the Secretary of State, in consulta-
8 tion with the heads of other relevant United States
9 Government departments or agencies, shall submit
10 to the appropriate committees of Congress a report
11 containing an assessment of how INTERPOL mem-
12 ber countries abuse INTERPOL Red Notices, Diffu-
13 sions, and other INTERPOL communications for
14 political motives and other unlawful purposes within
15 the past three years.

16 (2) ELEMENTS.—The report required under
17 paragraph (1) shall include the following elements:

18 (A) A list of countries that the Attorney
19 General and the Secretary determine have re-
20 peatedly abused and misused the red notice and
21 red diffusion mechanisms for political purposes.

22 (B) A description of the most common tac-
23 tics employed by member countries in con-
24 ducting such abuse, including the crimes most

1 commonly alleged and the INTERPOL commu-
2 nications most commonly exploited.

3 (C) An assessment of the adequacy of
4 INTERPOL mechanisms for challenging abu-
5 sive requests, including the Commission for the
6 Control of INTERPOL's Files (CCF), an as-
7 sessment of the CCF's March 2017 Operating
8 Rules, and any shortcoming the United States
9 believes should be addressed.

10 (D) A description of how INTERPOL's
11 General Secretariat identifies requests for red
12 notice or red diffusions that are politically moti-
13 vated or are otherwise in violation of
14 INTERPOL's rules and how INTERPOL re-
15 views and addresses cases in which a member
16 country has abused or misused the red notice
17 and red diffusion mechanisms for overtly polit-
18 ical purposes.

19 (E) A description of any incidents in which
20 the Department of Justice assesses that United
21 States courts and executive departments or
22 agencies have relied on INTERPOL commu-
23 nications in contravention of existing law or
24 policy to seek the detention of individuals or
25 render judgments concerning their immigration

1 status or requests for asylum, with holding of
2 removal, or convention against torture claims
3 and any measures the Department of Justice or
4 other executive departments or agencies took in
5 response to these incidents.

6 (F) A description of how the United States
7 monitors and responds to likely instances of
8 abuse of INTERPOL communications by mem-
9 ber countries that could affect the interests of
10 the United States, including citizens and na-
11 tionals of the United States, employees of the
12 United States Government, aliens lawfully ad-
13 mitted for permanent residence in the United
14 States, aliens who are lawfully present in the
15 United States, or aliens with pending asylum,
16 withholding of removal, or convention against
17 torture claims, though they may be unlawfully
18 present in the United States.

19 (G) A description of what actions the
20 United States takes in response to credible in-
21 formation it receives concerning likely abuse of
22 INTERPOL communications targeting employ-
23 ees of the United States Government for activi-
24 ties they undertook in an official capacity.

1 (H) A description of United States advo-
2 cacy for reform and good governance within
3 INTERPOL.

4 (I) A strategy for improving interagency
5 coordination to identify and address instances
6 of INTERPOL abuse that affect the interests
7 of the United States, including international re-
8 spect for human rights and fundamental free-
9 doms, citizens and nationals of the United
10 States, employees of the United States Govern-
11 ment, aliens lawfully admitted for permanent
12 residence in the United States, aliens who are
13 lawfully present in the United States, or aliens
14 with pending asylum, withholding of removal, or
15 convention against torture claims, though they
16 may be unlawfully present in the United States.

17 (3) FORM OF REPORT.—Each report required
18 under this subsection shall be submitted in unclassi-
19 fied form, but may include a classified annex, as ap-
20 propriate. The unclassified portion of the report
21 shall be posted on a publicly available website of the
22 Department of State and of the Department of Jus-
23 tice.

24 (4) BRIEFING.—Not later than 30 days after
25 the submission of each report under paragraph (1),

1 the Department of Justice and the Department of
2 State, in coordination with other relevant United
3 States Government departments and agencies, shall
4 brief the appropriate committees of Congress on the
5 content of the reports and recent instances of
6 INTERPOL abuse by member countries and United
7 States efforts to identify and challenge such abuse,
8 including efforts to promote reform and good gov-
9 ernance within INTERPOL.

10 (e) PROHIBITION REGARDING BASIS FOR EXTRA-
11 DITION.—No United States Government department or
12 agency may extradite an individual based solely on an
13 INTERPOL Red Notice or Diffusion issued by another
14 INTERPOL member country for such individual.

15 (f) DEFINITIONS.—In this section:

16 (1) APPROPRIATE COMMITTEES OF CON-
17 GRESS.—The term “appropriate committees of Con-
18 gress” means—

19 (A) the Committee on Foreign Relations
20 and the Committee on the Judiciary of the Sen-
21 ate; and

22 (B) the Committee on Foreign Affairs and
23 the Committee on the Judiciary of the House of
24 Representatives.

1 (2) INTERPOL COMMUNICATIONS.—The term
2 “INTERPOL communications” means any
3 INTERPOL Notice or Diffusion or any entry into
4 any INTERPOL database or other communications
5 system maintained by INTERPOL.

6 (g) INTERPOL RED NOTICES.—Chapter 53 of title
7 31, United States Code, is amended by adding at the end
8 the following:

9 **“SEC. 5337 INTERPOL RED NOTICES.**

10 “(a) TERMINATION.—A financial institution may not
11 terminate any service such financial institution offers to
12 a person with respect to whom the International Criminal
13 Police Organization has issued a Red Notice solely on the
14 basis of the issuance of such Red Notice.

15 “(b) EXCLUSION.—A financial institution may not
16 exclude from any service offered by such financial institu-
17 tion a person with respect to whom the International
18 Criminal Police Organization issued a Red Notice solely
19 on the basis of the issuance of such Red Notice.”.

20 **SEC. 1331. COMBATING GLOBAL CORRUPTION.**

21 (a) DEFINITIONS.—In this section:

22 (1) CORRUPT ACTOR.—The term “corrupt
23 actor” means—

24 (A) any foreign person or entity that is a
25 government official or government entity re-

1 sponsible for, or complicit in, an act of corrup-
2 tion; and

3 (B) any company, in which a person or en-
4 tity described in subparagraph (A) has a sig-
5 nificant stake, which is responsible for, or
6 complicit in, an act of corruption.

7 (2) CORRUPTION.—The term “corruption”
8 means the unlawful exercise of entrusted public
9 power for private gain, including by bribery, nepo-
10 tism, fraud, or embezzlement.

11 (3) SIGNIFICANT CORRUPTION.—The term “sig-
12 nificant corruption” means corruption committed at
13 a high level of government that has some or all of
14 the following characteristics:

15 (A) Illegitimately distorts major decision-
16 making, such as policy or resource determina-
17 tions, or other fundamental functions of govern-
18 ance.

19 (B) Involves economically or socially large-
20 scale government activities.

21 (b) PUBLICATION OF TIERED RANKING LIST.—

22 (1) IN GENERAL.—The Secretary of State shall
23 annually publish, on a publicly accessible website, a
24 tiered ranking of all foreign countries.

1 (2) TIER 1 COUNTRIES.—A country shall be
2 ranked as a tier 1 country in the ranking published
3 under paragraph (1) if the government of such coun-
4 try is complying with the minimum standards set
5 forth in section 4.

6 (3) TIER 2 COUNTRIES.—A country shall be
7 ranked as a tier 2 country in the ranking published
8 under paragraph (1) if the government of such coun-
9 try is making efforts to comply with the minimum
10 standards set forth in section 4, but is not achieving
11 the requisite level of compliance to be ranked as a
12 tier 1 country.

13 (4) TIER 3 COUNTRIES.—A country shall be
14 ranked as a tier 3 country in the ranking published
15 under paragraph (1) if the government of such coun-
16 try is making de minimis or no efforts to comply
17 with the minimum standards set forth in subsection
18 (c).

19 (c) MINIMUM STANDARDS FOR THE ELIMINATION OF
20 CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT
21 CORRUPTION.—

22 (1) IN GENERAL.—The government of a coun-
23 try is complying with the minimum standards for
24 the elimination of corruption if the government—

1 (A) has enacted and implemented laws and
2 established government structures, policies, and
3 practices that prohibit corruption, including sig-
4 nificant corruption;

5 (B) enforces the laws described in subpara-
6 graph (A) by punishing any person who is
7 found, through a fair judicial process, to have
8 violated such laws;

9 (C) prescribes punishment for significant
10 corruption that is commensurate with the pun-
11 ishment prescribed for serious crimes; and

12 (D) is making serious and sustained ef-
13 forts to address corruption, including through
14 prevention.

15 (2) FACTORS FOR ASSESSING GOVERNMENT EF-
16 FORTS TO COMBAT CORRUPTION.—In determining
17 whether a government is making serious and sus-
18 tained efforts to address corruption, the Secretary of
19 State shall consider, to the extent relevant or appro-
20 priate, factors such as—

21 (A) whether the government of the country
22 has criminalized corruption, investigates and
23 prosecutes acts of corruption, and convicts and
24 sentences persons responsible for such acts over
25 which it has jurisdiction, including, as appro-

1 appropriate, incarcerating individuals convicted of
2 such acts;

3 (B) whether the government of the country
4 vigorously investigates, prosecutes, convicts,
5 and sentences public officials who participate in
6 or facilitate corruption, including nationals of
7 the country who are deployed in foreign military
8 assignments, trade delegations abroad, or other
9 similar missions, who engage in or facilitate sig-
10 nificant corruption;

11 (C) whether the government of the country
12 has adopted measures to prevent corruption,
13 such as measures to inform and educate the
14 public, including potential victims, about the
15 causes and consequences of corruption;

16 (D) what steps the government of the
17 country has taken to prohibit government offi-
18 cials from participating in, facilitating, or
19 condoning corruption, including the investiga-
20 tion, prosecution, and conviction of such offi-
21 cials;

22 (E) the extent to which the country pro-
23 vides access, or, as appropriate, makes adequate
24 resources available, to civil society organizations
25 and other institutions to combat corruption, in-

1 including reporting, investigating, and moni-
2 toring;

3 (F) whether an independent judiciary or
4 judicial body in the country is responsible for,
5 and effectively capable of, deciding corruption
6 cases impartially, on the basis of facts and in
7 accordance with the law, without any improper
8 restrictions, influences, inducements, pressures,
9 threats, or interferences (direct or indirect);

10 (G) whether the government of the country
11 is assisting in international investigations of
12 transnational corruption networks and in other
13 cooperative efforts to combat significant corrup-
14 tion, including, as appropriate, cooperating with
15 the governments of other countries to extradite
16 corrupt actors;

17 (H) whether the government of the country
18 recognizes the rights of victims of corruption,
19 ensures their access to justice, and takes steps
20 to prevent victims from being further victimized
21 or persecuted by corrupt actors, government of-
22 ficials, or others;

23 (I) whether the government of the country
24 protects victims of corruption or whistleblowers
25 from reprisal due to such persons having as-

1 sisted in exposing corruption, and refrains from
2 other discriminatory treatment of such persons;

3 (J) whether the government of the country
4 is willing and able to recover and, as appro-
5 priate, return the proceeds of corruption;

6 (K) whether the government of the country
7 is taking steps to implement financial trans-
8 parency measures in line with the Financial Ac-
9 tion Task Force recommendations, including
10 due diligence and beneficial ownership trans-
11 parency requirements;

12 (L) whether the government of the country
13 is facilitating corruption in other countries in
14 connection with state-directed investment, loans
15 or grants for major infrastructure, or other ini-
16 tiatives; and

17 (M) such other information relating to cor-
18 ruption as the Secretary of State considers ap-
19 propriate.

20 (3) ASSESSING GOVERNMENT EFFORTS TO COM-
21 BAT CORRUPTION IN RELATION TO RELEVANT
22 INTERNATIONAL COMMITMENTS.—In determining
23 whether a government is making serious and sus-
24 tained efforts to address corruption, the Secretary of

1 State shall consider the government of a country's
2 compliance with the following, as relevant:

3 (A) The Inter-American Convention
4 against Corruption of the Organization of
5 American States, done at Caracas March 29,
6 1996.

7 (B) The Convention on Combating Bribery
8 of Foreign Public Officials in International
9 Business Transactions of the Organisation of
10 Economic Co-operation and Development, done
11 at Paris December 21, 1997 (commonly re-
12 ferred to as the "Anti-Bribery Convention").

13 (C) The United Nations Convention
14 against Transnational Organized Crime, done
15 at New York November 15, 2000.

16 (D) The United Nations Convention
17 against Corruption, done at New York October
18 31, 2003.

19 (E) Such other treaties, agreements, and
20 international standards as the Secretary of
21 State considers appropriate.

22 (d) IMPOSITION OF SANCTIONS UNDER GLOBAL
23 MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.—

24 (1) IN GENERAL.—The Secretary of State, in
25 coordination with the Secretary of the Treasury,

1 should evaluate whether there are foreign persons
2 engaged in significant corruption for the purposes of
3 potential imposition of sanctions under the Global
4 Magnitsky Human Rights Accountability Act (sub-
5 title F of title XII of Public Law 114–328; 22
6 U.S.C. 2656 note)—

7 (A) in all countries identified as tier 3
8 countries under subsection (b); or

9 (B) in relation to the planning or construc-
10 tion or any operation of the Nord Stream 2
11 pipeline.

12 (2) REPORT REQUIRED.—Not later than 180
13 days after publishing the list required by subsection
14 (b)(1) and annually thereafter, the Secretary of
15 State shall submit to the committees specified in
16 paragraph (6) a report that includes—

17 (A) a list of foreign persons with respect to
18 which the President imposed sanctions pursuant
19 to the evaluation under paragraph (1);

20 (B) the dates on which such sanctions
21 were imposed;

22 (C) the reasons for imposing such sanc-
23 tions; and

24 (D) a list of all foreign persons found to
25 have been engaged in significant corruption in

1 relation to the planning, construction, or oper-
2 ation of the Nord Stream 2 pipeline.

3 (3) FORM OF REPORT.—Each report required
4 by paragraph (2) shall be submitted in unclassified
5 form but may include a classified annex.

6 (4) BRIEFING IN LIEU OF REPORT.—The Sec-
7 retary of State, in coordination with the Secretary of
8 the Treasury, may (except with respect to the list re-
9 quired by paragraph (2)(D)) provide a briefing to
10 the committees specified in paragraph (6) instead of
11 submitting a written report required under para-
12 graph (2), if doing so would better serve existing
13 United States anti-corruption efforts or the national
14 interests of the United States.

15 (5) TERMINATION OF REQUIREMENTS RELAT-
16 ING TO NORD STREAM 2.—The requirements under
17 paragraphs (1)(B) and (2)(D) shall terminate on the
18 date that is 5 years after the date of the enactment
19 of this Act.

20 (6) COMMITTEES SPECIFIED.—The committees
21 specified in this subsection are—

22 (A) the Committee on Foreign Relations,
23 the Committee on Appropriations, the Com-
24 mittee on Banking, Housing, and Urban Af-

1 fairs, and the Committee on the Judiciary of
2 the Senate; and

3 (B) the Committee on Foreign Affairs, the
4 Committee on Appropriations, the Committee
5 on Financial Services, and the Committee on
6 the Judiciary of the House of Representatives.

7 (e) DESIGNATION OF EMBASSY ANTI-CORRUPTION
8 POINTS OF CONTACT.—

9 (1) IN GENERAL.—The Secretary of State shall
10 annually designate an anti-corruption point of con-
11 tact at the United States diplomatic post to each
12 country identified as tier 2 or tier 3 under section
13 3, or which the Secretary otherwise determines is in
14 need of such a point of contact. The point of contact
15 shall be the chief of mission or the chief of mission’s
16 designee.

17 (2) RESPONSIBILITIES.—Each anti-corruption
18 point of contact designated under subsection (a)
19 shall be responsible for enhancing coordination and
20 promoting the implementation of a whole-of-govern-
21 ment approach among the relevant Federal depart-
22 ments and agencies undertaking efforts to—

23 (A) promote good governance in foreign
24 countries; and

25 (B) enhance the ability of such countries—

- 1 (i) to combat public corruption; and
2 (ii) to develop and implement corrup-
3 tion risk assessment tools and mitigation
4 strategies.

5 (3) TRAINING.—The Secretary of State shall
6 implement appropriate training for anti-corruption
7 points of contact designated under paragraph (1).

8 **SEC. 1332. REPORT ON PARTICIPANTS IN SECURITY CO-**
9 **OPERATION TRAINING PROGRAMS AND RE-**
10 **CIPIENTS OF SECURITY ASSISTANCE TRAIN-**
11 **ING THAT HAVE BEEN DESIGNATED FOR**
12 **HUMAN RIGHTS ABUSES, TERRORIST ACTIVI-**
13 **TIES OR PARTICIPATION IN A MILITARY**
14 **COUP.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of State
17 and the Secretary of Defense, in consultation with the
18 heads of other appropriate Federal departments and agen-
19 cies, shall submit to the appropriate congressional commit-
20 tees a report on individuals and units of security forces
21 of foreign countries that—

22 (1) have participated in security cooperation
23 training programs or received security assistance
24 training authorized under the Foreign Assistance

1 Act of 1961 (22 U.S.C. 2151 et seq.) or title 10,
2 United States Code; and

3 (2) at any time during the period beginning on
4 January 1, 2010, and ending on the date of the en-
5 actment of this Act—

6 (A) have been subject to United States
7 sanctions relating to violations of human rights
8 under any provision of law, including under—

9 (i) the Global Magnitsky Human
10 Rights Accountability Act (22 U.S.C. 2656
11 note);

12 (ii) section 620M of the Foreign As-
13 sistance Act of 1961 (22 U.S.C. 2378d); or

14 (iii) section 362 of title 10, United
15 States Code;

16 (B) have been subject to United States
17 sanctions relating to terrorist activities under
18 authorities provided in—

19 (i) section 219 of the Immigration
20 and Nationality Act (8 U.S.C. 1189);

21 (ii) the National Emergencies Act (50
22 U.S.C. 1601 et seq.);

23 (iii) the International Emergency Eco-
24 nomic Powers Act (50 U.S.C. 1701 et
25 seq.), other than sanctions on the importa-

1 tion of goods provided for under such Act;

2 or

3 (iv) any other provision of law; or

4 (C) have been subject to United States
5 sanctions relating to involvement in a military
6 coup under any provision of law.

7 (b) UPDATE.—The Secretary of State and the Sec-
8 retary of Defense, in consultation with the heads of other
9 appropriate Federal departments and agencies, shall sub-
10 mit to the appropriate congressional committees an annual
11 update of the report required by subsection (a) on individ-
12 uals and units of security forces of foreign countries
13 that—

14 (1) have participated in security cooperation
15 training programs or received security assistance
16 training authorized under the Foreign Assistance
17 Act of 1961 (22 U.S.C. 2151 et seq.) or title 10,
18 United States Code; and

19 (2) at any time during the preceding year, any
20 of the provisions of subparagraph (A),(B), or (C) of
21 subsection (a)(2) have applied with respect to such
22 individuals or units.

23 (c) REQUESTS BY CHAIRPERSON AND RANKING
24 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—Not later than 30 days after receiving a written

1 request from the chairperson and ranking member of the
2 one of the appropriate congressional committees with re-
3 spect to whether an individual or unit of security forces
4 of foreign countries has received training described in sub-
5 section (a)(1), the Secretary of State and the Secretary
6 of Defense, in consultation with the heads of other appro-
7 priate agencies, shall—

8 (1) determine if that individual or unit has re-
9 ceived such training; and

10 (2) submit a report to the chairperson and
11 ranking member of that committee with respect to
12 that determination that includes a detailed descrip-
13 tion of the training the individual received.

14 (d) FORM.—The report required by subsection (a)
15 shall be submitted in unclassified form, but may include
16 a classified annex.

17 (e) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Armed Services and
22 the Committee on Foreign Relations of the Sen-
23 ate; and

1 (B) the Committee on Armed Services and
2 the Committee on Foreign Affairs of the House
3 of Representatives.

4 (2) GOOD.—The term “good” means any arti-
5 cle, natural or man-made substance, material, supply
6 or manufactured product, including inspection and
7 test equipment, and excluding technical data.

8 **SEC. 1333. SENSE OF CONGRESS RELATING TO THE GRAND**
9 **ETHIOPIAN RENAISSANCE DAM.**

10 It is the sense of Congress that it is in the best inter-
11 ests of the region for Egypt, Ethiopia, and Sudan to im-
12 mediately reach a just and equitable agreement regarding
13 the filling and operation of the Grand Ethiopian Renais-
14 sance Dam.

15 **SEC. 1334. PROHIBITION ON SUPPORT OR MILITARY PAR-**
16 **TICIPATION AGAINST THE HOUTHIS.**

17 (a) PROHIBITION RELATING TO SUPPORT.—None of
18 the funds authorized to be appropriated or otherwise made
19 available by this Act may be made available to provide the
20 following forms of United States support to Saudi-led coa-
21 lition’s operations against the Houthis in Yemen:

22 (1) Sharing intelligence for the purpose of ena-
23 bling offensive coalition strikes.

24 (2) Providing logistical support for coalition
25 strikes, including by providing maintenance or trans-

1 ferring spare parts to coalition members flying war-
2 planes engaged in anti-Houthi bombings.

3 (b) PROHIBITION RELATING TO MILITARY PARTICI-
4 PATION.—None of the funds authorized to be appropriated
5 or otherwise made available by this Act may be made
6 available for any civilian or military personnel of the De-
7 partment of Defense to command, coordinate, participate
8 in the movement of, or accompany the regular or irregular
9 military forces of the Saudi and United Arab Emirates-
10 led coalition forces in hostilities against the Houthis in
11 Yemen or in situations in which there exists an imminent
12 threat that such coalition forces become engaged in such
13 hostilities, unless and until the President has obtained
14 specific statutory authorization, in accordance with section
15 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)).

16 (c) RULE OF CONSTRUCTION.—The prohibitions
17 under this section may not be construed to apply with re-
18 spect to United States Armed Forces engaged in oper-
19 ations directed at al Qaeda or associated forces.

20 **SEC. 1335. DETERMINATION AND SUSPENSION OF CERTAIN**
21 **DEFENSE SERVICES AND SUPPORT TO SAUDI**
22 **ARABIA.**

23 (a) STATEMENT OF POLICY.—It is the policy of the
24 United States—

1 (1) to continue to support and further efforts to
2 bring an end to the conflict in Yemen;

3 (2) to ensure United States defense articles and
4 services are not used for military operations result-
5 ing in civilian casualties;

6 (3) to ensure section 502 of the Foreign Assist-
7 ance Act of 1961 (22 U.S.C. 2302; relating to utili-
8 zation of defense articles) and section 4 of the For-
9 eign Military Sales Act (22 U.S.C. 2754) are upheld
10 and which describe the purposes for which military
11 sales by the United States are authorized, including
12 “legitimate self-defense”, “internal security”, and
13 “preventing or hindering the proliferation of weap-
14 ons of mass destruction or the means of delivering
15 such weapons”; and

16 (4) to work with allies and partners to address
17 the ongoing humanitarian needs of Yemeni civilians.

18 (b) DETERMINATION AND REPORT TO CONGRESS.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of the enactment of this Act, the President,
21 acting through the Secretary of State and the Sec-
22 retary of Defense, shall determine and report to ap-
23 propriate congressional committees of whether the
24 Government of Saudi Arabia has undertaken offen-

1 sive airstrikes inside Yemen in the preceding year
2 resulting in civilian casualties.

3 (2) MATTERS TO BE INCLUDED.—The deter-
4 mination and report required by this subsection shall
5 include the following:

6 (A) A full description of any such air-
7 strikes, including a detailed accounting of civil-
8 ian casualties incorporating information from
9 non-governmental sources.

10 (B) An identification of Government of
11 Saudi Arabia air units responsible for any such
12 airstrikes.

13 (C) A description of aircraft and munitions
14 used in any such airstrikes.

15 (3) FORM.—The report required by this sub-
16 section shall be submitted in unclassified form, but
17 may contain a classified annex if necessary.

18 (c) PROHIBITION ON AUTHORIZING CERTAIN FOR-
19 EIGN MILITARY SALES TO SAUDI ARABIA.—Upon
20 issuance of an affirmation determination and report pur-
21 suant to subsection (b) with respect to offensive airstrikes
22 inside Yemen in the preceding year resulting in civilian
23 casualties, the President may not proceed with any For-
24 eign Military Sale (FMS) using funds authorized to be ap-
25 propriated by this Act authorizing the export to the Gov-

1 ernment of Saudi Arabia of defense services related to the
2 sustainment or maintenance of United States-provided
3 aircraft belonging to military units determined to have un-
4 dertaken such airstrikes.

5 (d) EXCEPTION RELATING TO TERRITORIAL DE-
6 FENSE AND COUNTERTERRORISM OPERATIONS.—Not-
7 withstanding any other provision of this section, the prohi-
8 bition in subsection (c) shall not include the authority or
9 a requirement to impose any restrictions or prohibitions
10 on any Foreign Military Sale of defense services relating
11 to aircraft engaging in operations—

12 (1) preventing or degrading the ability of
13 Houthi (Ansar Allah) forces to launch missiles and
14 unmanned aircraft strikes into the territory of Saudi
15 Arabia;

16 (2) related directly to counterterrorism efforts
17 against Al-Qaeda in the Arabian Peninsula (AQAP)
18 and its affiliates;

19 (3) designed to provide territorial air defense;
20 or

21 (4) directly related to the defense of United
22 States facilities or military or diplomatic personnel
23 located in Saudi Arabia.

1 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congress-
3 sional committees” means—

4 (1) the Committee on Foreign Relations, the
5 Committee on Armed Services, and the Select Com-
6 mittee on Intelligence of the Senate; and

7 (2) the Committee on Foreign Affairs, the
8 Committee on Armed Services, and the Permanent
9 Select Committee on Intelligence of the House of
10 Representatives.

11 **SEC. 1336. PROHIBITION ON SECURITY COOPERATION WITH**
12 **BRAZIL.**

13 None of the funds authorized to be appropriated or
14 otherwise made available by this Act may be made avail-
15 able to provide any United States security assistance or
16 security cooperation to the defense, security, or police
17 forces of the Government of Brazil for the purpose of in-
18 voluntarily relocating, including through coercion or the
19 use of force, the indigenous or Quilombola communities
20 of Brazil.

21 **SEC. 1337. BRIEFING ON DEPARTMENT OF DEFENSE PRO-**
22 **GRAM TO PROTECT UNITED STATES STU-**
23 **DENTS AGAINST FOREIGN AGENTS.**

24 Not later than 240 days after the date of the enact-
25 ment of this Act, the Secretary of Defense shall provide

1 a briefing to the congressional defense committees on the
2 program described in section 1277 of the National De-
3 fense Authorization Act for Fiscal Year 2018 (Public Law
4 115–91), including an assessment on whether the program
5 is beneficial to students interning, working part time, or
6 in a program that will result in employment post-gradua-
7 tion with Department of Defense components and contrac-
8 tors.

9 **SEC. 1338. SENSE OF CONGRESS ON ISRAEL AS A CRITICAL**
10 **DEFENSE PARTNER.**

11 It is the sense of Congress that it is in that national
12 security interest of the United States to—

13 (1) maintain a strong relationship with Israel
14 and support their military efforts;

15 (2) conduct military exercises with Israel, pro-
16 moting interoperability and readiness;

17 (3) ensure that Israel has capabilities with re-
18 gards to their defense articles to support peace ef-
19 forts in the region;

20 (4) be a source of consistent and reliable de-
21 fense articles;

22 (5) work with Israel to oppose any efforts of
23 terrorism or radical extremism in the Middle East;
24 and

1 (6) promote the belief that normalized relations
2 with Israel is of benefit for any country.

3 **SEC. 1339. REPORT ON HAITI.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of State
6 shall submit to the appropriate congressional committees
7 a report regarding conflict assessment in Haiti that in-
8 cludes information relating to the following:

9 (1) Aftershocks of the 2021 earthquake.

10 (2) Systemic patterns and causes of violence
11 and subsequent impunity relating to massacres,
12 death threats, kidnappings, armed attacks, and fire-
13 arm-related violence, with analysis of the roles of the
14 various actors and beneficiaries who are or have
15 been involved, including Haitian Government actors.

16 (3) Gang activity and its role in the recent wave
17 of kidnappings, and the capacities of the police force
18 to address the most serious manifestations of insecur-
19 ity.

20 (4) The scope and role of criminal activity and
21 its linkages to political forces, particularly leading
22 up to elections.

23 (5) Implications of the lack of independence of
24 Haiti's judicial system.

1 (b) DEFINITION.—In this section, the term “appro-
2 priate congressional committees” means the Committee on
3 Foreign Affairs of the House of Representatives and the
4 Committee on Foreign Relations of the Senate.

5 **SEC. 1340. STRATEGY TO COUNTER VIOLENT EXTREMISM**
6 **AND ARMED CONFLICT IN MOZAMBIQUE.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of State,
9 in coordination with the Administrator of the United
10 States Agency for International Development (USAID),
11 the Secretary of Defense, and other departments and
12 agencies as deemed necessary, shall submit to the appro-
13 priate congressional committees a United States strategy
14 to counter violent extremism and armed conflict in Mo-
15 zambique, including through the provision of United
16 States assistance also intended to foster a peaceful post-
17 conflict transition in Mozambique.

18 (b) ELEMENTS.—The strategy required by subsection
19 (a) shall address or include the following:

20 (1) United States assistance provided to—

21 (A) the Government of the Republic of Mo-
22 zambique and foreign militaries, including re-
23 gional partners and allies, that have deployed
24 military trainers, combat troops, or other mili-
25 tary assets to Mozambique for the purpose of

1 degrading all known terrorist threats, including
2 ISIS-Mozambique, to include United States
3 military efforts to train and equip Mozambican
4 forces, including any United States programs to
5 counter violent extremism in Cabo Delgado and
6 elsewhere in Mozambique, and any related ac-
7 tivities pertaining to countering violent extre-
8 mism, mitigating armed conflict, and estab-
9 lishing reasonable security conditions in areas
10 of Mozambique from where these threats ema-
11 nate; and

12 (B) the Government of the Republic of Mo-
13 zambique or multilateral or nongovernmental
14 recipients aimed at supporting efforts to—

15 (i) respond to socioeconomic or polit-
16 ical disruptions and humanitarian needs in
17 conflict-affected areas and among conflict-
18 affected populations, a prospective post-
19 conflict transition or recovery, and eco-
20 nomic growth and development and im-
21 proved livelihoods in conflict-affected areas
22 or among conflict-affected populations; and

23 (ii) help address local grievances that
24 fuel recruitment into violent extremist
25 groups and other armed groups or other-

1 wise reinforce such groups narratives and
2 propaganda, including government-driven
3 economic and political exclusion,
4 marginalization, and alienation, socio-
5 economic inequality, state-sponsored land
6 transfers resulting in population displace-
7 ment, state corruption, and abuses by se-
8 curity forces, among other factors.

9 (2) Plans for future United States assistance
10 and assessments of any past or current United
11 States assistance to achieve stability, counter violent
12 extremism, and to address socioeconomic, humani-
13 tarian, and security conditions in conflict-affected
14 areas or among conflict-affected populations, includ-
15 ing by programming or otherwise implementing—

16 (A) activities set out under paragraph
17 (1)(A) or efforts related to such activities, to in-
18 clude efforts to ensure that such assistance is
19 provided in accordance with international norms
20 and Mozambican constitutional or other appli-
21 cable legal provisions governing and guaran-
22 teeing human rights, civilian protection, civil
23 liberties, and does not exacerbate violence or
24 risks to non-combatants;

1 (B) activities set out under paragraph
2 (1)(B) or efforts related to such activities, in a
3 manner that ensures program efficacy and
4 complementarity between United States assist-
5 ance and assistance funded by other govern-
6 ments, multilateral entities, or agencies thereof
7 to support similar goals and activities;

8 (C) plans to deconflict all assistance pro-
9 vided in Mozambique with conflict mitigation
10 and prevention priorities; and

11 (D) assistance activities or programs de-
12 signed to foster and monitor adherence to inter-
13 national human rights and humanitarian law by
14 the Government of the Republic of Mozambique
15 or any entity receiving United States assistance
16 set out under paragraph (1).

17 (3) Assessments of—

18 (A) the capacity of the Government of the
19 Republic of Mozambique to effectively imple-
20 ment, benefit from, or use the assistance de-
21 scribed in paragraph (1);

22 (B) the impact of assistance described in
23 paragraph (1) on local political and social dy-
24 namics, including a description of any consulta-
25 tions with local civil society;

1 (C) the efficacy and impact of past and
2 current United States assistance described in
3 paragraph (1) or to promote economic growth
4 and development and improve livelihoods in con-
5 flict-affected areas or among conflict-affected
6 populations; and

7 (D) the degree and nature of
8 complementarities between United States assist-
9 ance and assistance funded by other govern-
10 ments, multilateral entities, or agencies thereof
11 to support socioeconomic and humanitarian re-
12 sponses, post-conflict transitions or recovery,
13 and economic growth and development and im-
14 prove livelihoods in conflict-affected areas or
15 among conflict-affected populations, to include
16 World Bank International Development Asso-
17 ciation (IDA) or other World Bank entity as-
18 sistance to Mozambique's Northern Crisis Re-
19 covery Project and any additional such assist-
20 ance under the International Development As-
21 sociation Prevention and Resilience Allocation
22 (PRA).

23 (4) Detailed descriptions of past, current, and
24 planned United States assistance to achieve the ob-
25 jectives set out in paragraph (1), to include project

1 or program names, activity descriptions, implemen-
2 ters, and funding estimates by account, if applicable.

3 (c) GOALS.—The strategy required by subsection (a)
4 shall—

5 (1) describe United States national security in-
6 terests and policy objectives in Mozambique and the
7 surrounding region, including those affected by the
8 presence of violent extremists and other armed
9 groups;

10 (2) include a statement of key objectives per-
11 taining to each area of planned activity or assist-
12 ance, civilian or military, as well as metrics for
13 measuring progress toward attaining such objectives,
14 data describing the status of and progress to date
15 toward each objective by metric, and criteria defin-
16 ing the United States national security interests met
17 by countering violent extremism and supporting sta-
18 bilization operations, including the degree of military
19 degradation of ISIS-Mozambique; and

20 (3) be updated and transmitted to the appro-
21 priate congressional committees annually at the be-
22 ginning of each fiscal year for at least 3 years, pend-
23 ing the attainment of such activities or assistance
24 meeting United States national security interests
25 and satisfactory end-state for security conditions as

1 set out in paragraph (2), as certified by a deter-
2 mination by the President, which shall be trans-
3 mitted to the appropriate congressional committees.

4 (d) CONGRESSIONAL NOTIFICATION.—Not later than
5 15 days prior to the obligation of amounts made available
6 to provide assistance in Mozambique as set out under the
7 strategy required by subsection (a), the Secretary of State
8 or the Secretary of Defense, as applicable with regard to
9 accounts under their respective jurisdictions, and except
10 where otherwise required by law, shall submit to the ap-
11 propriate congressional committees a notification, in ac-
12 cordance with procedures applicable under section 634(a)
13 or section 653(a) of the Foreign Assistance Act of 1961,
14 as applicable, to include an identification of the amount
15 and purpose of assistance to be provided to Mozambique,
16 the account or accounts from which such assistance is
17 drawn or reprogrammed, and indications of concordance
18 between such assistance and elements of such strategy.

19 (e) TERMINATION.—The requirements of this section
20 shall terminate if the President selects Mozambique as a
21 “priority country” pursuant to section 505 of the Global
22 Fragility Act of 2019 (22 U.S.C. 9804) for purposes of
23 the requirements of that Act.

24 (f) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs and
5 the Committee on Armed Services of the House
6 of Representatives; and

7 (B) the Committee on Foreign Relations
8 and the Committee on Armed Services of the
9 Senate.

10 (2) CONFLICT-AFFECTED AREA.—The term
11 “conflict-affected area”, with respect to Mozam-
12 bique, means an area in Mozambique in which ISIS-
13 Mozambique is active or has been active, militarily
14 or otherwise or where state military or police forces
15 have operated to combat ISIS-Mozambique oper-
16 ations or activities, or where there is a significant
17 pattern of instability, violence, and conflict.

18 (3) CONFLICT-AFFECTED POPULATIONS.—The
19 term “conflict-affected populations”, with respect to
20 Mozambique, means populations in Mozambique—

21 (A) affected by—

22 (i) ISIS-Mozambique operations or ac-
23 tivities in conflict-affected areas; or

1 (ii) government or allied military or
2 police response to such operations or ac-
3 tivities; or

4 (B) that have fled conflict-affected areas.

5 (4) ISIS-MOZAMBIQUE.—The term “ISIS-Mo-
6 zambique” means the Islamic State of Iraq and
7 Syria-Mozambique, a group designated by the De-
8 partment of State on March 10, 2021 as a Foreign
9 Terrorist Organization under section 219 of the Im-
10 migration and Nationality Act and as a Specially
11 Designated Global Terrorist (SDGT) entity under
12 Executive Order 13224, also known as Ahlu Sunnah
13 Wa-Jama, Ansar al-Sunna, and locally in Mozam-
14 bique as al-Shabaab, among other names.

15 **SEC. 1341. ESTABLISHMENT OF THE OFFICE OF CITY AND**
16 **STATE DIPLOMACY.**

17 Section 1 of the State Department Basic Authorities
18 Act of 1956 (22 U.S.C. 2651a) is amended by adding at
19 the end the following new subsection:

20 “(i) OFFICE OF CITY AND STATE DIPLOMACY.—

21 “(1) IN GENERAL.—There shall be established
22 within the Department of State an Office of City
23 and State Diplomacy (in this subsection referred to
24 as the ‘Office’). The Department may use a similar

1 name at its discretion and upon notification to Con-
2 gress.

3 “(2) HEAD OF OFFICE.—The head of the Office
4 shall be the Ambassador-at-Large for City and State
5 Diplomacy (in this subsection referred to as the
6 ‘Ambassador’) or other appropriate senior official.
7 The head of the Office shall—

8 “(A) be appointed by the President, by and
9 with the advice and consent of the Senate; and

10 “(B) report directly to the Secretary, or
11 such other senior official as the Secretary deter-
12 mines appropriate and upon notification to
13 Congress.

14 “(3) DUTIES.—

15 “(A) PRINCIPAL DUTY.—The principal
16 duty of the head of the Office shall be the over-
17 all coordination (including policy oversight of
18 resources) of Federal support for subnational
19 engagements by State and municipal govern-
20 ments with foreign governments. The head of
21 the Office shall be the principal adviser to the
22 Secretary of State on subnational engagements
23 and the principal official on such matters within
24 the senior management of the Department of
25 State.

1 “(B) ADDITIONAL DUTIES.—The addi-
2 tional duties of the head of the Office shall in-
3 clude the following:

4 “(i) Coordinating overall United
5 States policy and programs in support of
6 subnational engagements by State and mu-
7 nicipal governments with foreign govern-
8 ments, including with respect to the fol-
9 lowing:

10 “(I) Coordinating resources
11 across the Department of State and
12 throughout the Federal Government
13 in support of such engagements.

14 “(II) Identifying policy, program,
15 and funding discrepancies among rel-
16 evant Federal agencies regarding such
17 coordination.

18 “(III) Identifying gaps in Fed-
19 eral support for such engagements
20 and developing corresponding policy
21 or programmatic changes to address
22 such gaps.

23 “(ii) Identifying areas of alignment
24 between United States foreign policy and
25 State and municipal goals.

1 “(iii) Improving communication with
2 the American public, including, potentially,
3 communication that demonstrate the
4 breadth of international engagement by
5 subnational actors and the impact of diplo-
6 macy across the United States.

7 “(iv) Providing advisory support to
8 subnational engagements, including by as-
9 sisting State and municipal governments
10 regarding—

11 “(I) developing and implementing
12 global engagement and public diplo-
13 macy strategies;

14 “(II) implementing programs to
15 cooperate with foreign governments on
16 policy priorities or managing shared
17 resources; and

18 “(III) understanding the implica-
19 tions of foreign policy developments or
20 policy changes through regular and
21 extraordinary briefings.

22 “(v) Facilitating linkages and net-
23 works among State and municipal govern-
24 ments, and between State and municipal
25 governments and their foreign counter-

1 parts, including by tracking subnational
2 engagements and leveraging State and mu-
3 nicipal expertise.

4 “(vi) Supporting the work of Depart-
5 ment of State detailees assigned to State
6 and municipal governments pursuant to
7 this subsection.

8 “(vii) Under the direction of the Sec-
9 retary, negotiating agreements and memo-
10 randa of understanding with foreign gov-
11 ernments related to subnational engage-
12 ments and priorities.

13 “(viii) Supporting United States eco-
14 nomic interests through subnational en-
15 gagements, in consultation and coordina-
16 tion with the Department of Commerce,
17 the Department of the Treasury, and the
18 Office of the United States Trade Rep-
19 resentative.

20 “(ix) Coordinating subnational en-
21 gagements with the associations of sub-
22 national elected leaders, including the
23 United States Conference of Mayors, Na-
24 tional Governors Association, National
25 League of Cities, National Association of

1 Counties, Council of State Governments,
2 National Conference of State Legislators,
3 and State International Development Or-
4 ganizations.

5 “(4) COORDINATION.—With respect to matters
6 involving trade promotion and inward investment fa-
7 cilitation, the Office shall coordinate with and sup-
8 port the International Trade Administration of the
9 Department of Commerce as the lead Federal agen-
10 cy for trade promotion and facilitation of business
11 investment in the United States.

12 “(5) DETAILEES.—

13 “(A) IN GENERAL.—The Secretary of
14 State, with respect to employees of the Depart-
15 ment of State, is authorized to detail a member
16 of the civil service or Foreign Service to State
17 and municipal governments on a reimbursable
18 or nonreimbursable basis. Such details shall be
19 for a period not to exceed two years, and shall
20 be without interruption or loss of status or
21 privilege.

22 “(B) RESPONSIBILITIES.—Detailees under
23 subparagraph (A) should carry out the fol-
24 lowing:

1 “(i) Supporting the mission and objec-
2 tives of the host subnational government
3 office.

4 “(ii) Advising State and municipal
5 government officials regarding questions of
6 global affairs, foreign policy, cooperative
7 agreements, and public diplomacy.

8 “(iii) Coordinating activities relating
9 to State and municipal government sub-
10 national engagements with the Department
11 of State, including the Office, Department
12 leadership, and regional and functional bu-
13 reaus of the Department, as appropriate.

14 “(iv) Engaging Federal agencies re-
15 garding security, public health, trade pro-
16 motion, and other programs executed at
17 the State or municipal government level.

18 “(v) Any other duties requested by
19 State and municipal governments and ap-
20 proved by the Office.

21 “(C) ADDITIONAL PERSONNEL SUPPORT
22 FOR SUBNATIONAL ENGAGEMENT.—For the
23 purposes of this subsection, the Secretary of
24 State—

1 “(i) is authorized to employ individ-
2 uals by contract;

3 “(ii) is encouraged to make use of the
4 re-hired annuitants authority under section
5 3323 of title 5, United States Code, par-
6 ticularly for annuitants who are already re-
7 siding across the United States who may
8 have the skills and experience to support
9 subnational governments; and

10 “(iii) is encouraged to make use of
11 authorities under the Intergovernmental
12 Personnel Act of 1970 (42 U.S.C. 4701 et
13 seq.) to temporarily assign State and local
14 government officials to the Department of
15 State or overseas missions to increase their
16 international experience and add their per-
17 spectives on United States priorities to the
18 Department.

19 “(6) REPORT AND BRIEFING.—

20 “(A) REPORT.—Not later than one year
21 after the date of the enactment of this sub-
22 section, the head of the Office shall submit to
23 the Committee on Foreign Affairs and the
24 Committee on Appropriations of the House of
25 Representatives and the Committee on Foreign

1 Relations and the Committee on Appropriations
2 of the Senate a report that includes information
3 relating to the following:

4 “(i) The staffing plan (including per-
5 manent and temporary staff) for the Office
6 and a justification for the location of the
7 Office within the Department of State’s or-
8 ganizational structure.

9 “(ii) The funding level provided to the
10 Office for the Office, together with a jus-
11 tification relating to such level.

12 “(iii) The rank and title granted to
13 the head of the Office, together with a jus-
14 tification relating to such decision and an
15 analysis of whether the rank and title of
16 Ambassador-at-Large is required to fulfill
17 the duties of the Office.

18 “(iv) A strategic plan for the Office,
19 including relating to—

20 “(I) leveraging subnational en-
21 gagement to improve United States
22 foreign policy effectiveness;

23 “(II) enhancing the awareness,
24 understanding, and involvement of

1 United States citizens in the foreign
2 policy process; and

3 “(III) better engaging with for-
4 eign subnational governments to
5 strengthen diplomacy.

6 “(v) Any other matters as determined
7 relevant by the head of the Office.

8 “(B) BRIEFINGS.—Not later than 30 days
9 after the submission of the report required
10 under subparagraph (A) and annually there-
11 after, the head of the Office shall brief the
12 Committee on Foreign Affairs and the Com-
13 mittee on Appropriations of the House of Rep-
14 resentatives and the Committee on Foreign Re-
15 lations and the Committee on Appropriations of
16 the Senate on the work of the Office and any
17 changes made to the organizational structure or
18 funding of the Office.

19 “(7) RULE OF CONSTRUCTION.—Nothing in
20 this subsection may be construed as precluding—

21 “(A) the Office from being elevated to a
22 bureau within the Department of State; or

23 “(B) the head of the Office from being ele-
24 vated to an Assistant Secretary, if such an As-
25 sistant Secretary position does not increase the

1 number of Assistant Secretary positions at the
2 Department above the number authorized under
3 subsection (c)(1).

4 “(8) DEFINITIONS.—In this subsection:

5 “(A) MUNICIPAL.—The term ‘municipal’
6 means, with respect to the government of a mu-
7 nicipality in the United States, a municipality
8 with a population of not fewer than 100,000
9 people.

10 “(B) STATE.—The term ‘State’ means the
11 50 States, the District of Columbia, and any
12 territory or possession of the United States.

13 “(C) SUBNATIONAL ENGAGEMENT.—The
14 term ‘subnational engagement’ means formal
15 meetings or events between elected officials of
16 State or municipal governments and their for-
17 eign counterparts.”.

18 **SEC. 1342. EXTENSION OF PROHIBITION ON IN-FLIGHT RE-**
19 **FUELING TO NON-UNITED STATES AIRCRAFT**
20 **THAT ENGAGE IN HOSTILITIES IN THE ONGO-**
21 **ING CIVIL WAR IN YEMEN.**

22 Section 1273(a) of the National Defense Authoriza-
23 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
24 Stat. 1699) is amended by striking “two-year period” and
25 inserting “four-year period”.

1 **SEC. 1343. REPORT ON INCIDENTS OF ARBITRARY DETEN-**
2 **TION, VIOLENCE, AND STATE-SANCTIONED**
3 **HARASSMENT BY THE GOVERNMENT OF**
4 **EGYPT AGAINST AMERICANS.**

5 (a) IN GENERAL.—Not later than 60 days after the
6 date of the enactment of this Act, the Secretary of State,
7 in consultation with the Secretary of Defense, shall submit
8 to the appropriate congressional committees a report on
9 incidents of arbitrary detention, violence, and state-san-
10 tioned harassment by the Government of Egypt against
11 United States citizens, individuals in the United States,
12 and their family members who are not United States citi-
13 zens, in both Egypt and in the United States.

14 (b) MATTERS TO BE INCLUDED.—The report re-
15 quired by subsection (a) shall include the following:

16 (1) A detailed description of such incidents in
17 the past three years.

18 (2) A determination of whether such incidents
19 constitute a pattern of acts of intimidation or har-
20 assment; and

21 (3) Actions taken to meaningfully deter inci-
22 dents of intimidation or harassment against Ameri-
23 cans, individuals in the United States, and their
24 families by such government's security agencies.

25 (c) FORM.—The report required by subsection (a)
26 shall be submitted in unclassified form, but the portions

1 of the report described in paragraphs (2) and (3) may con-
2 tain a classified annex, so long as such annex is provided
3 separately from the unclassified report.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Foreign Affairs and the
8 Committee on Armed Services of the House of Rep-
9 resentatives; and

10 (2) the Committee on Foreign Relations and
11 the Committee on Armed Services of the Senate.

12 **SEC. 1344. MODIFICATION OF AUTHORITY OF THE PRESI-**
13 **DENT UNDER THE EXPORT CONTROL RE-**
14 **FORM ACT OF 2018.**

15 Section 1753(a)(2)(F) of the Export Control Reform
16 Act of 2018 (50 U.S.C. 4812(a)(2)(F)) is amended by in-
17 serting “, security, or” before “intelligence”.

18 **SEC. 1345. REPORT AND DETERMINATION ON**
19 **EXTRAJUDICIAL KILLINGS AND TORTURE BY**
20 **EGYPTIAN GOVERNMENT SECURITY FORCES.**

21 (a) IN GENERAL.—Not later than 60 days after the
22 date of the enactment of this Act, the Secretary of State,
23 in consultation with the Secretary of Defense, shall submit
24 to the appropriate congressional committees a report on

1 incidents of state-sanctioned extrajudicial killings and tor-
2 ture by the security forces of the Government of Egypt.

3 (b) MATTERS TO BE INCLUDED.—The report re-
4 quired under subsection (a) shall include the following:

5 (1) A detailed description of incidents of state-
6 sanctioned extrajudicial killings and torture by the
7 security forces of the Government of Egypt in the
8 seven years immediately preceding the submission of
9 such report.

10 (2) A determination of whether such incidents
11 constitute a consistent pattern of gross violations of
12 internationally recognized human rights.

13 (3) An identification of the unit names of any
14 Egyptian security forces added to the Department of
15 State-administered list of units to which security as-
16 sistance may not be furnished pursuant to any re-
17 ports containing credible information on
18 extrajudicial killings and torture, which reports were
19 received in the seven years immediately preceding
20 the submission of the report required under sub-
21 section (a).

22 (c) FORM.—The report required under subsection (a)
23 shall be submitted in unclassified form, but the portions
24 of the report described in paragraphs (2) and (3) may con-

1 tain a classified annex if such annex is provided separately
2 from such unclassified report.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means the congressional defense
6 committees and—

7 (1) the Committee on Foreign Affairs of the
8 House of Representatives; and

9 (2) the Committee on Foreign Relations of the
10 Senate.

11 **SEC. 1346. TRANS-SAHARA COUNTERTERRORISM PARTNER-**
12 **SHIP PROGRAM.**

13 (a) TRANS-SAHARA COUNTERTERRORISM PARTNER-
14 SHIP PROGRAM.—

15 (1) ESTABLISHMENT.—The Secretary of State,
16 in consultation with the Secretary of Defense and
17 the Administrator of the United States Agency for
18 International Development, shall establish a partner-
19 ship program, to be known as the “Trans-Sahara
20 Counterterrorism Partnership (TSCTP) Program”
21 to coordinate all programs, projects, and activities of
22 the United States Government in countries in North
23 and West Africa that are conducted for any of the
24 following purposes:

1 (A) To improve governance and the capacities of countries in North and West Africa to
2 deliver basic services, particularly with at-risk
3 communities, as a means of countering terrorism and violent extremism by enhancing
4 state legitimacy and authority and countering
5 corruption.
6

7
8 (B) To address the factors that make people and communities vulnerable to recruitment
9 by terrorist and violent extremist organizations,
10 including economic vulnerability and mistrust of
11 government and government security forces,
12 through activities such as—
13

14 (i) supporting strategies that increase
15 youth employment opportunities;

16 (ii) promoting girls' education and
17 women's political participation;

18 (iii) strengthening local governance
19 and civil society capacity;

20 (iv) improving government transparency and accountability;

21 (v) fighting corruption;

22 (vi) improving access to economic opportunities; and
23
24

1 (vii) other development activities nec-
2 essary to support community resilience.

3 (C) To strengthen the rule of law in such
4 countries, including by enhancing the capability
5 of the judicial institutions to independently,
6 transparently, and credibly deter, investigate,
7 and prosecute acts of terrorism and violent ex-
8 tremism.

9 (D) To improve the ability of military and
10 law enforcement entities in partner countries to
11 detect, disrupt, respond to, and prosecute vio-
12 lent extremist and terrorist activity while re-
13 specting human rights, and to cooperate with
14 the United States and other partner countries
15 on counterterrorism and counter-extremism ef-
16 forts.

17 (E) To enhance the border security capac-
18 ity of partner countries, including the ability to
19 monitor, detain, and interdict terrorists.

20 (F) To identify, monitor, disrupt, and
21 counter the human capital and financing pipe-
22 lines of terrorism.

23 (G) To support the free expression and op-
24 erations of independent, local-language media,
25 particularly in rural areas, while countering the

1 media operations and recruitment propaganda
2 of terrorist and violent extremist organizations.

3 (2) ASSISTANCE FRAMEWORK.—Activities car-
4 ried out under the TSCTP Program shall—

5 (A) be carried out in countries where the
6 Secretary of State, in consultation with the Sec-
7 retary of Defense and the Administrator of the
8 United States Agency for International Devel-
9 opment, determines that there is an adequate
10 level of partner country commitment, and has
11 considered partner country needs, absorptive
12 capacity, sustainment capacity, and efforts of
13 other donors in the sector;

14 (B) have clearly defined outcomes;

15 (C) be closely coordinated among United
16 States diplomatic and development missions,
17 United States Africa Command, and relevant
18 participating departments and agencies;

19 (D) have specific plans with robust indica-
20 tors to regularly monitor and evaluate outcomes
21 and impact;

22 (E) complement and enhance efforts to
23 promote democratic governance, the rule of law,
24 human rights, and economic growth;

1 (F) in the case of train and equip pro-
2 grams, complement longer-term security sector
3 institution-building; and

4 (G) have mechanisms in place to track re-
5 sources and routinely monitor and evaluate the
6 efficacy of relevant programs.

7 (3) CONSULTATION.—In coordinating activities
8 through the TSCTP Program, the Secretary of
9 State shall also establish a coordination mechanism
10 that ensures periodic consultation with, as appro-
11 priate, the Director of National Intelligence, the Sec-
12 retary of the Treasury, the Attorney General, the
13 Chief Executive Officer of the United States Agency
14 for Global Media (formerly known as the Broad-
15 casting Board of Governors), and the heads of other
16 relevant Federal departments and agencies, as deter-
17 mined by the President.

18 (4) CONGRESSIONAL NOTIFICATION.—Not later
19 than 15 days before obligating amounts for an activ-
20 ity of the TSCTP Program pursuant to paragraph
21 (1), the Secretary of State shall submit a notifica-
22 tion to the appropriate congressional committees, in
23 accordance with the requirements of section 634A of
24 the Foreign Assistance Act of 1961 (22 U.S.C.
25 2394–1), that includes the following:

1 (A) The foreign country and entity, as ap-
2 plicable, whose capabilities are to be enhanced
3 in accordance with the purposes specified in
4 paragraph (1).

5 (B) The amount, type, and purpose of sup-
6 port to be provided.

7 (C) An assessment of the capacity of the
8 foreign country to effectively implement, benefit
9 from, or utilize the assistance to be provided for
10 the intended purpose.

11 (D) The anticipated implementation
12 timeline for the activity.

13 (E) As applicable, a description of the
14 plans to sustain any military or security equip-
15 ment provided beyond the completion date of
16 such activity, and the estimated cost and source
17 of funds to support such sustainment.

18 (b) INTERNATIONAL COORDINATION.—Efforts car-
19 ried out under this section shall take into account partner
20 country counterterrorism, counter-extremism, and devel-
21 opment strategies and, to the extent practicable, shall be
22 aligned with such strategies. Such efforts shall be coordi-
23 nated with counterterrorism and counter-extremism activi-
24 ties and programs in the areas of defense, diplomacy, and

1 development carried out by other like-minded donors and
2 international organizations in the relevant country.

3 (c) STRATEGIES.—Not later than 270 days after the
4 date of the enactment of this Act, the Secretary of State,
5 in consultation with the Secretary of Defense and the Ad-
6 ministrator of the United States Agency for International
7 Development and other relevant Federal Government
8 agencies, shall submit to the appropriate congressional
9 committees the following strategies:

10 (1) A COMPREHENSIVE FIVE-YEAR STRATEGY
11 FOR THE SAHEL-MAGHREB.—A comprehensive five-
12 year strategy for the Sahel-Maghreb, including de-
13 tails related to whole-of-government efforts in the
14 areas of defense, diplomacy, and development to ad-
15 vance the national security, economic, and humani-
16 tarian interests of the United States, including—

17 (A) efforts to ensure coordination with
18 multilateral and bilateral partners, such as the
19 Joint Force of the Group of Five of the Sahel,
20 and with other relevant assistance frameworks;

21 (B) a public diplomacy strategy and ac-
22 tions to ensure that populations in the Sahel-
23 Maghreb are aware of the development activi-
24 ties of the United States Government, especially
25 in countries with a significant Department of

1 Defense presence or engagement through train
2 and equip programs;

3 (C) activities aimed at supporting demo-
4 cratic institutions and countering violent extre-
5 mism with measurable goals and transparent
6 benchmarks;

7 (D) plans to help each partner country ad-
8 dress humanitarian and development needs and
9 to help prevent, respond to, and mitigate inter-
10 communal violence;

11 (E) a comprehensive plan to support secu-
12 rity sector reform in each partner country that
13 includes a detailed section on programs and ac-
14 tivities being undertaken by relevant stake-
15 holders and other international actors operating
16 in the sector and that incorporates as appro-
17 priate any lessons learned from previous initia-
18 tives to improve security sector governance; and

19 (F) a specific strategy for Mali that in-
20 cludes plans for sustained, high-level diplomatic
21 engagement with stakeholders, including coun-
22 tries in Europe and the Middle East with inter-
23 ests in the Sahel-Maghreb, regional govern-
24 ments, relevant multilateral organizations, sig-
25 natory groups of the 2015 Agreement for Peace

1 and Reconciliation in Mali, and civil society ac-
2 tors.

3 (2) A COMPREHENSIVE FIVE-YEAR STRATEGY
4 FOR TSCTP PROGRAM COUNTERTERRORISM EF-
5 FORTS.—A comprehensive five-year strategy for the
6 TSCTP Program that includes—

7 (A) a clear statement of the objectives of
8 United States counterterrorism efforts in North
9 and West Africa with respect to the use of all
10 forms of United States assistance to combat
11 terrorism and counter violent extremism, in-
12 cluding efforts to build military and civilian law
13 enforcement capacity, strengthen the rule of
14 law, promote responsive and accountable gov-
15 ernance, and address the root causes of ter-
16 rorism and violent extremism;

17 (B) a plan for coordinating programs
18 through the TSCTP Program pursuant to sub-
19 section (a)(1), including an identification of
20 which agency or bureau of the Department of
21 State, as applicable, will be responsible for lead-
22 ing, coordinating, and conducting monitoring
23 and evaluation for each such program, and the
24 process for enabling the leading agency or bu-

1 reau to establish standards, compel partners to
2 adhere to those standards, and report results;

3 (C) a plan to monitor, evaluate, and share
4 data and learning about the TSCTP Program
5 that includes quantifiable baselines, targets,
6 and results in accordance with monitoring and
7 evaluation provisions of sections 3 and 4 of the
8 Foreign Aid Transparency and Accountability
9 Act of 2016 (Public Law 114–191); and

10 (D) a plan for ensuring coordination and
11 compliance with related requirements in United
12 States law, including the Global Fragility Act of
13 2019 (title V of division J of the Further Con-
14 solidated Appropriations Act, 2020 (Public Law
15 116–94)).

16 (3) CONSULTATION.—Not later than 90 days
17 after the date of the enactment of this Act, the De-
18 partment of State shall consult with appropriate
19 congressional committees on progress made towards
20 developing the strategies required in paragraphs (1)
21 and (2).

22 (d) SUPPORTING MATERIAL IN ANNUAL BUDGET
23 REQUEST.—The Secretary of State shall include in the
24 budget materials submitted to Congress in support of the
25 President’s annual budget request (submitted to Congress

1 pursuant to section 1105 of title 31, United States Code)
2 for each fiscal year beginning after the date of the enact-
3 ment of this Act, and annually thereafter for five years,
4 a description of the requirements, activities, and planned
5 allocation of amounts requested by the TSCTP Program.
6 This requirement does not apply to activities of the De-
7 partment of Defense conducted pursuant to authorities
8 under title 10, United States Code.

9 (e) MONITORING AND EVALUATION OF PROGRAMS
10 AND ACTIVITIES.—Not later than one year after the date
11 of the enactment of this Act, and annually thereafter for
12 five years, the Secretary of State, in consultation with the
13 Secretary of Defense and the Administrator of the United
14 States Agency for International Development, shall submit
15 to the appropriate congressional committees a report that
16 describes—

17 (1) the progress made in meeting the objectives
18 of the strategies required under paragraphs (1) and
19 (2) of subsection (c), including any lessons learned
20 in carrying out TSCTP Program activities and any
21 recommendations for improving such programs and
22 activities;

23 (2) the efforts taken to coordinate, de-conflict,
24 and streamline TSCTP Program activities to maxi-
25 mize resource effectiveness;

1 (3) the extent to which each partner country
2 has demonstrated the ability to absorb the equip-
3 ment or training provided in the previous year under
4 the TSCTP Program, and where applicable, the abil-
5 ity to maintain and appropriately utilize such equip-
6 ment;

7 (4) the extent to which each partner country is
8 investing its own resources to advance the goals de-
9 scribed in subsection (a)(1) or is demonstrating a
10 commitment and willingness to cooperate with the
11 United States to advance such goals;

12 (5) the actions taken by the government of each
13 partner country receiving assistance under the
14 TSCTP Program to combat corruption, improve
15 transparency and accountability, and promote other
16 forms of democratic governance;

17 (6) the assistance provided in each of the three
18 preceding fiscal years under this program, broken
19 down by partner country, to include the type, statu-
20 tory authorization, and purpose of all United States
21 security assistance provided to the country pursuant
22 to authorities under title 10, United States Code,
23 the Foreign Assistance Act of 1961 (22 U.S.C. 2151
24 et seq.), or any other “train and equip” authorities
25 of the Department of Defense; and

1 (7) any changes or updates to the Comprehen-
2 sive Five-Year Strategy for the TSCTP Program re-
3 quired under paragraph (2) of subsection (c) neces-
4 sitated by the findings in this annual report.

5 (f) REPORTING REQUIREMENT RELATED TO AUDIT
6 OF BUREAU OF AFRICAN AFFAIRS MONITORING AND CO-
7 ORDINATION OF THE TRANS-SAHARA COUNTERTER-
8 RORISM PARTNERSHIP PROGRAM.—Not later than 90
9 days after the date of the enactment of this Act, and every
10 120 days thereafter until all 13 recommendations in the
11 September 2020 Department of State Office of Inspector
12 General audit entitled “Audit of the Department of State
13 Bureau of African Affairs Monitoring and Coordination
14 of the Trans-Sahara Counterterrorism Partnership Pro-
15 gram” (AUD–MERO–20–42) are closed or until the date
16 that is three years after the date of the enactment of this
17 Act, whichever is earlier, the Secretary of State shall sub-
18 mit to the appropriate congressional committees a report
19 that identifies—

20 (1) which of the 13 recommendations in AUD–
21 MERO–20–42 have not been closed;

22 (2) a description of progress made since the
23 last report toward closing each recommendation
24 identified under paragraph (1);

1 (3) additional resources needed, including as-
2 sessment of staffing capacity, if any, to complete ac-
3 tion required to close each recommendation identi-
4 fied under paragraph (1); and

5 (4) the anticipated timeline for completion of
6 action required to close each recommendation identi-
7 fied under paragraph (1), including application of all
8 recommendations into all existing security assistance
9 programs managed by the Department of State
10 under the TSCTP Program.

11 (g) PROGRAM ADMINISTRATION.—Not later than 120
12 days after the date of the enactment of this Act, the Sec-
13 retary of State shall report to Congress plans for con-
14 ducting a written review of a representative sample of each
15 of the security assistance programs administered by the
16 Bureau of African Affairs to identify potential waste,
17 fraud, abuse, inefficiencies, or deficiencies. The review
18 shall include an analysis of staff capacity, including
19 human resource needs, available resources, procedural
20 guidance, and monitoring and evaluation processes to en-
21 sure the Bureau of African Affairs is managing programs
22 efficiently and effectively.

23 (h) FORM.—The strategies required under para-
24 graphs (1) and (2) of subsection (c) and the reports re-
25 quired under subsections (e), (f), and (g) shall be sub-

1 mitted in unclassified form but may include a classified
2 annex.

3 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congress-
5 sional committees” means—

6 (1) the Committee on Foreign Relations, the
7 Committee on Armed Services, the Committee on
8 Appropriations, and the Select Committee on Intel-
9 ligence of the Senate; and

10 (2) the Committee on Foreign Affairs, the
11 Committee on Armed Services, the Committee on
12 Appropriations, and the Permanent Select Com-
13 mittee on Intelligence of the House of Representa-
14 tives.

15 **SEC. 1347. HUMAN RIGHTS AWARENESS FOR AMERICAN**
16 **ATHLETIC DELEGATIONS.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that individuals representing the United States at
19 international athletic competitions in foreign countries
20 should have the opportunity to be informed about human
21 rights and security concerns in such countries and how
22 best to safeguard their personal security and privacy.

23 (b) IN GENERAL.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of the enactment of this Act, the Sec-

1 retary of State shall devise and implement a strategy
2 for disseminating briefing materials, including infor-
3 mation described in subsection (c), to individuals
4 representing the United States at international ath-
5 letic competitions in a covered country.

6 (2) TIMING AND FORM OF MATERIALS.—

7 (A) IN GENERAL.—The briefing materials
8 referred to in paragraph (1) shall be offered not
9 later than 180 days prior to the commencement
10 of an international athletic competition in a
11 covered country.

12 (B) FORM OF DELIVERY.—Briefing mate-
13 rials related to the human rights record of cov-
14 ered countries may be delivered electronically or
15 disseminated in person, as appropriate.

16 (C) SPECIAL CONSIDERATION.—Informa-
17 tion briefing materials related to personal secu-
18 rity risks may be offered electronically, in writ-
19 ten format, by video teleconference, or
20 prerecorded video.

21 (3) CONSULTATIONS.—In devising and imple-
22 menting the strategy required under paragraph (1),
23 the Secretary of State shall consult with the fol-
24 lowing:

1 (A) The Committee on Foreign Affairs of
2 the House of Representatives and the Com-
3 mittee on Foreign Relations in the Senate, not
4 later than 90 days after the date of the enact-
5 ment of this Act.

6 (B) Leading human rights nongovern-
7 mental organizations and relevant subject-mat-
8 ter experts in determining the content of the
9 briefings required under this subsection.

10 (C) The United States Olympic and
11 Paralympic Committee and the national gov-
12 erning bodies of amateur sports that play a role
13 in determining which individuals represent the
14 United States in international athletic competi-
15 tions, regarding the most appropriate and effec-
16 tive method to disseminate briefing materials.

17 (c) CONTENT OF BRIEFINGS.—The briefing mate-
18 rials required under subsection (b) shall include, with re-
19 spect to a covered country hosting an international athletic
20 competition in which individuals may represent the United
21 States, the following:

22 (1) Information on the human rights concerns
23 present in such covered country, as described in the
24 Department of State’s Annual Country Reports on
25 Human Rights Practices.

1 (2) Information, as applicable, on risks such in-
2 dividuals may face to their personal and digital pri-
3 vacy and security, and recommended measures to
4 safeguard against certain forms of foreign intel-
5 ligence targeting, as appropriate.

6 (d) COVERED COUNTRY DEFINED.—In this section,
7 the term “covered country” means, with respect to a coun-
8 try hosting an international athletic competition in which
9 individuals representing the United States may partici-
10 pate, any of the following:

11 (1) Any Communist country specified in sub-
12 section (f) of section 620 of the Foreign Assistance
13 Act of 1961 (22 U.S.C. 2370(f)).

14 (2) Any country ranked as a Tier 3 country in
15 the most recent Department of State’s annual Traf-
16 ficking in Persons Report.

17 (3) Any other country the Secretary of State
18 determines present serious human rights concerns
19 for the purpose of informing such individuals.

20 (4) Any country the Secretary of State, in con-
21 sultation with other cabinet officials as appropriate,
22 determines presents a serious counterintelligence
23 risk.

1 **SEC. 1348. REPORT ON HUMAN RIGHTS IN COLOMBIA.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Secretary of Defense, in coordination
4 with the Secretary of State, shall submit to the congres-
5 sional defense committees a report that includes the fol-
6 lowing:

7 (1) A description of the security cooperation re-
8 lationship between the United States and Colombia,
9 including a description of United States objectives,
10 any ongoing or planned security cooperation activi-
11 ties with the military forces of Colombia, and an
12 identification of priority capabilities of the military
13 forces of Colombia that the Department could en-
14 hance.

15 (2) An assessment of the capabilities of the
16 military and paramilitary forces of Colombia.

17 (3) A description of the human rights climate
18 in Colombia, an assessment of the Colombia military
19 and paramilitary forces' adherence to human rights,
20 and a description of any ongoing or planned cooper-
21 ative activities between the United States and Co-
22 lombia focused on human rights.

23 (4) A description of the manner and extent to
24 which a security cooperation strategy between the
25 United States and Colombia could address any
26 human rights abuses identified pursuant to para-

1 graph (3) or (4), encourage accountability and pro-
2 mote reform through training on human rights, rule
3 of law, and rules of engagement.

4 **SEC. 1349. PROHIBITION ON EXPORTS OF ITEMS USED FOR**
5 **CROWD CONTROL PURPOSES TO COLOMBIA'S**
6 **MOBILE ANTI-DISTURBANCES SQUADRON.**

7 (a) DETERMINATION REQUIRED.—Not later than
8 180 days after the date of the enactment of this Act, and
9 annually thereafter until 2032, the Secretary of State
10 shall make a determination as to whether Colombia's Mo-
11 bile Anti-Disturbances Squadron has committed gross vio-
12 lations of human rights.

13 (b) USE OF FUNDS AND ISSUANCE OF LICENSES
14 PROHIBITED.—If the Secretary of State determines under
15 subsection (a) that Colombia's Mobile Anti-Disturbances
16 Squadron has committed gross violations of human rights,
17 then—

18 (1) none of the funds authorized to be appro-
19 priated or otherwise made available by this Act may
20 be used to authorize, provide, or facilitate the deliv-
21 ery of covered items to Colombia's Mobile Anti-Dis-
22 turbances Squadron; and

23 (2) the President shall prohibit the issuance of
24 licenses to export covered items to Colombia's Mobile
25 Anti-Disturbances Squadron.

1 (c) COVERED ITEMS DEFINED.—In this section, the
2 term “covered items” includes firearms, tanks, tear gas,
3 pepper spray, rubber bullets, foam rounds, bean bag
4 rounds, pepper balls, water cannons, handcuffs, shackles,
5 stun guns, tasers, or any other item that may be used
6 for purposes of crowd control.

7 **SEC. 1350. ANNUAL REPORT RELATING TO THE SITUATION**
8 **IN THE DEMOCRATIC REPUBLIC OF THE**
9 **CONGO.**

10 (a) REPORT REQUIRED.—Not later than 60 days
11 after the date of the enactment of this Act and annually
12 for five years thereafter, the Secretary of State and the
13 Secretary of Defense, in consultation with the Adminis-
14 trator of the United States Agency for International De-
15 velopment and other departments and agencies as deter-
16 mined necessary, shall submit to the appropriate congres-
17 sional committees an annual report on the United States
18 strategy for advancing security sector reforms, demobiliza-
19 tion, disengagement, and reintegration efforts,
20 anticorruption measures, and other assistance and initia-
21 tives designed to address chronic instability and other gov-
22 ernance issues, localized armed conflict, and the growing
23 threat of transnational terrorism in the Democratic Re-
24 public of the Congo (in this section referred to as the
25 “DRC”).

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include the following:

3 (1) A comprehensive assessment of the threat
4 posed by the Allied Democratic Forces, elements of
5 which have declared as an affiliate of the Islamic
6 State, and any other affiliates of the Islamic State
7 or Al Qaeda based in the DRC, which shall include,
8 with respect to each such group—

9 (A) the capacity to strike—

- 10 (i) the United States homeland;
11 (ii) United States persons; and
12 (iii) interests in the United States or
13 elsewhere;

14 (B) the connectivity to other Islamic State
15 or Al Qaeda affiliates and senior leaders of
16 their respective core organizations; and

17 (C) the major sources of revenue, including
18 illicit and licit activities and financial flows
19 originating outside of the DRC to senior leaders
20 of the organizations.

21 (2) An assessment of how terrorist organiza-
22 tions and armed groups exacerbate the ongoing hu-
23 manitarian crisis in the DRC and neighboring coun-
24 tries, including an analysis of the extent to which
25 elements of the Armed Forces of the Democratic Re-

1 public of the Congo (in this section referred to as
2 the “FARDC”) and other government entities col-
3 laborate with, contribute to, or otherwise facilitate
4 actors involved in chronic armed conflict in the
5 DRC.

6 (3) An assessment of the impact of the United
7 Nations Organization Stabilization Mission in the
8 Democratic Republic of the Congo (in this section
9 referred to as the “MONUSCO”) on the security sit-
10 uation in the DRC over the previous five fiscal years
11 and recommendations for changes to the
12 MONUSCO mandate, if any, to improve its efficacy.

13 (4) A detailed account of United States foreign
14 assistance provided over the previous five fiscal years
15 intended to build FARDC capacity to counter ter-
16 rorism and violent extremism, to protect civilians,
17 and to address longstanding allegations of FARDC
18 human rights abuses and collaboration with armed
19 groups in the DRC.

20 (5) A detailed account of United States foreign
21 assistance provided over the previous five fiscal years
22 to address humanitarian needs, counter corruption,
23 and improve good governance, including fiscal trans-
24 parency, in the DRC.

1 (6) The statutory authorities under which as-
2 sistance described in paragraph (4) or (5) was pro-
3 vided, the amounts provided under each authority,
4 and an analysis of the efficacy and impact of such
5 assistance.

6 (7) A detailed proposal of what resources are
7 required to pursue the United States strategy out-
8 lined in subsection (a) in the following year.

9 (c) FORM.—The report required by subsection (a)
10 shall be submitted in an unclassified form, but may in-
11 clude a classified annex.

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the Committee on Foreign Affairs, the
16 Committee on Armed Services, and the Committee
17 on Appropriations of the House of Representatives;
18 and

19 (2) the Committee on Foreign Relations, the
20 Committee on Armed Services, and the Committee
21 on Appropriations of the Senate.

1 **SEC. 1351. REPORT ON ISRAELI REGIONAL MILITARY CO-**
2 **ORDINATION.**

3 (a) IN GENERAL.—The United States-Israel Security
4 Assistance Authorization Act of 2020 is amended by add-
5 ing at the end the following:

6 **“SEC. 1280C. REPORTS ON REGIONAL MILITARY COORDINA-**
7 **TION.**

8 “(a) REPORT BY SECRETARY OF DEFENSE.—Not
9 later than 180 days after the date of enactment of this
10 section, the Secretary of Defense shall provide a report,
11 including a classified annex, to the Committees on Armed
12 Services of the House of Representatives and of the Sen-
13 ate on the status of the efforts of the United States to
14 work with countries within the United States Central
15 Command area of responsibilities to improve Israel’s co-
16 ordination with regional militaries.

17 “(b) REPORT BY SECRETARY OF STATE.—The Sec-
18 retary of State, in coordination with the Administrator for
19 the United States Agency for International Development,
20 shall provide the House Foreign Affairs and Senate For-
21 eign Relations Committee with an analysis of the strategic
22 initiatives taken to fully integrate the Abraham Accords
23 into congressionally authorized and appropriated pro-
24 grams. The report shall also include a strategic plan for
25 how potential new funds that have previously been author-

1 ized by Congress could be used for such integration prior-
2 ities.”.

3 **SEC. 1352. ARCTIC REGION DIPLOMACY POLICY.**

4 (a) IN GENERAL.—The Secretary of State, in con-
5 sultation with the Secretary of Defense, the Secretary of
6 the department in which the Coast Guard is operating,
7 and the heads of any other relevant Federal agencies, act-
8 ing through the U.S. Coordinator for the Arctic Region,
9 shall submit to the congressional defense committees, the
10 Committee on Foreign Affairs and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives, and the Committee on Foreign Relations and
13 the Committee on Commerce, Science, and Transportation
14 of the Senate an Arctic Region Diplomacy Policy. Such
15 policy shall assess, develop, budget for, and implement
16 plans, policies, and actions relating to the following:

17 (1) Bolstering the diplomatic presence of the
18 United States in Arctic countries, including through
19 enhancements to diplomatic missions and facilities,
20 participation in regional and bilateral dialogues re-
21 lated to Arctic security, and coordination of United
22 States initiatives and assistance programs across
23 agencies to protect the national security of the
24 United States and its allies and partners.

1 (2) Enhancing the resilience capacities of Arctic
2 countries to the effects of environmental change and
3 increased civilian and military activity by Arctic
4 countries and other countries that may result from
5 increased accessibility of the Arctic region.

6 (3) Assessing specific added risks to the Arctic
7 region and Arctic countries that—

8 (A) are vulnerable to the changing Arctic
9 environment; and

10 (B) are strategically significant to the
11 United States.

12 (4) Coordinating the integration of environ-
13 mental change and national security risk and vulner-
14 ability assessments into the decision making process
15 on foreign assistance awards with Greenland.

16 (5) Advancing principles of good governance by
17 encouraging and cooperating with Arctic states on
18 collaborative approaches to—

19 (A) responsibly manage natural resources
20 in the Arctic region;

21 (B) share the burden of ensuring maritime
22 safety in the Arctic region;

23 (C) prevent the escalation of security ten-
24 sions by mitigating against the militarization of
25 the Arctic region;

1 (D) develop mutually agreed upon multilat-
2 eral policies among Arctic countries on the
3 management of maritime transit routes through
4 the Arctic region and work cooperatively on the
5 transit policies for access to and transit in the
6 Arctic region by non-Arctic countries; and

7 (E) facilitate the development of Arctic Re-
8 gion Diplomacy Action Plans to ensure stability
9 and public safety in disaster situations in a hu-
10 mane and responsible fashion.

11 (6) Evaluating the vulnerability, security, sur-
12 vivability, and resiliency of United States interests
13 and non-defense assets in the Arctic region.

14 (7) Reducing black carbon and methane emis-
15 sions in the Arctic region.

16 (b) FORM.—The Arctic Region Diplomacy Policy re-
17 quired under subsection (a) shall be submitted in unclassi-
18 fied form but may contain a classified annex. Such unclas-
19 sified form shall be posted on an appropriate publicly
20 available website of the Department of State.

1 **SEC. 1353. PROHIBITION ON USE OF FUNDS TO PROVIDE**
2 **FOR THE COMMERCIAL EXPORT OR TRANS-**
3 **FER OF CERTAIN MILITARY OR POLICY**
4 **WEAPONRY TO SAUDI ARABIA'S RAPID INTER-**
5 **VENTION FORCE.**

6 (a) IN GENERAL.—None of the funds authorized to
7 be appropriated or otherwise made available to carry out
8 this Act may be used to provide for the commercial export
9 or transfer of covered items to Saudi Arabia's Rapid Inter-
10 vention Force (RIF).

11 (b) COVERED ITEMS DEFINED.—In this section, the
12 term “covered items” includes firearms, tanks or other ve-
13 hicles, tear gas, pepper spray, rubber bullets, foam rounds,
14 bean bag rounds, pepper balls, water cannons, handcuffs,
15 shackles, stun guns, tasers, military training, or any other
16 military or police weaponry.

17 **SEC. 1354. REPORT AND STRATEGY RELATING TO HUMAN**
18 **TRAFFICKING AND SLAVERY IN LIBYA.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, the Secretary of State,
21 in consultation with the Administrator of the United
22 States Agency for International Development, shall submit
23 to Congress a report on combating human trafficking and
24 slavery in Libya.

25 (b) ELEMENTS.—The report required under sub-
26 section (a) shall include the following:

1 (1) An assessment of the extent to which
2 human trafficking and slavery remain commonplace
3 in Libya.

4 (2) An assessment of the role that the United
5 Nations-recognized Libyan Government, non-state
6 actors, and foreign governments have played in the
7 propagation of human trafficking and slavery in
8 Libya since 2011.

9 (3) A summary of United States foreign policy
10 tools that have been considered or used to combat
11 human trafficking and slavery in Libya since 2011.

12 (4) An identification and assessment of the root
13 causes of human trafficking and slavery in Libya,
14 including regional conflicts and instability.

15 (5) An identification and assessment of domes-
16 tic or international options for pursuing account-
17 ability for perpetrators of human trafficking and
18 slavery in Libya.

19 (6) A strategy for diplomatic and development
20 engagement to address the root causes identified and
21 assessed pursuant to paragraph (4) and hold per-
22 petrators accountable through the options identified
23 and assessed pursuant to paragraph (5).

1 **SEC. 1355. U.S.-ISRAEL MILITARY TECHNOLOGY COOPERA-**
2 **TION ACT.**

3 Section 1299M of the William M. (Mac) Thornberry
4 National Defense Authorization Act for Fiscal Year 2021
5 (Public Law 116–283) is amended—

6 (1) by striking the section heading and insert-
7 ing “**ESTABLISHMENT OF UNITED STATES-**
8 **ISRAEL OPERATIONS-TECHNOLOGY WORKING**
9 **GROUP**”;

10 (2) by amending subsection (a) to read as fol-
11 lows:

12 “(a) **REQUIREMENT.**—

13 “(1) **IN GENERAL.**—The Secretary of Defense,
14 in consultation with the Secretary of State, shall
15 take actions within the United States-Israel Defense
16 Acquisition Advisory Group—

17 “(A) to provide a standing forum for the
18 United States and Israel to systematically share
19 intelligence-informed military capability require-
20 ments;

21 “(B) to identify military capability require-
22 ments common to the Department of Defense
23 and the Ministry of Defense of Israel;

24 “(C) to assist defense suppliers in the
25 United States and Israel by assessing rec-
26 ommendations from such defense suppliers with

1 respect to joint science, technology, research,
2 development, test, evaluation, and production
3 efforts; and

4 “(D) to develop, as feasible and advisable,
5 combined United States-Israel plans to re-
6 search, develop, procure, and field weapon sys-
7 tems and military capabilities as quickly and
8 economically as possible to meet common capa-
9 bility requirements of the Department and the
10 Ministry of Defense of Israel.

11 “(2) RULE OF CONSTRUCTION.—Nothing in
12 this subsection shall be construed as requiring the
13 termination of any existing United States defense
14 activity, group, program, or partnership with
15 Israel.”;

16 (3) by amending subsection (c) to read as fol-
17 lows:

18 “(c) ESTABLISHMENT OF UNITED STATES-ISRAEL
19 OPERATIONS-TECHNOLOGY WORKING GROUP WITHIN
20 THE UNITED STATES-ISRAEL DEFENSE ACQUISITION AD-
21 VISORY GROUP.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of the National Defense
24 Authorization Act for Fiscal Year 2022, the Sec-
25 retary of Defense, in consultation with the appro-

1 appropriate heads of other Federal agencies and with the
2 concurrence of the Minister of Defense of Israel,
3 shall establish, under the United States vice chair-
4 man of the United States-Israel Defense Acquisition
5 Advisory Group, a United States-Israel Operations-
6 Technology Working Group to address operations
7 and technology matters described in subsection
8 (a)(1).

9 “(2) EXTENSION WITH RESPECT TO TERMS OF
10 REFERENCE.—The 1-year period under paragraph
11 (1) may be extended for up to 180 days if the Sec-
12 retary of Defense, in consultation with the Secretary
13 of State, certifies in writing to the appropriate con-
14 gressional committees that additional time is needed
15 to finalize the terms of reference. Such certification
16 shall be made in unclassified form.”; and

17 (4) in subsection (d)(2), by striking “United
18 States-Israel Defense Acquisition Advisory Group”
19 each place it appears and inserting “United States-
20 Israel Operations-Technology Working Group”.

21 **SEC. 1356. REPORT ON OPEN RADIO ACCESS NETWORKS**
22 **TECHNOLOGY.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary of State,
25 in consultation the Secretary of Commerce, shall submit

1 to the appropriate congressional committees a report on
2 the national security implications of open radio access net-
3 works (Open RAN or O-RAN) technology that—

4 (1) provides information on the Department of
5 State’s diplomatic efforts to ensure United States
6 leadership in international standard setting bodies
7 for Open RAN technology;

8 (2) describes the involvement of China
9 headquartered companies in Open RAN standards
10 setting bodies such as the O-RAN Alliance;

11 (3) reviews the national security risks posed by
12 the presence of entities included on the Bureau of
13 Industry and Security’s “Entity List” in the O-RAN
14 Alliance;

15 (4) determines whether entities that do business
16 in the United States can participate in the O-Ran
17 Alliance under existing sanctions and export control
18 laws;

19 (5) analyzes whether United States national se-
20 curity is affected by the limited number of tele-
21 communications equipment vendors, and examines
22 whether the advent and deployment of Open RAN
23 technology could affect such;

24 (6) outlines how the United States can work
25 with allies, partners, and other countries to ensure

1 that Open RAN technology maintains the highest se-
2 curity and privacy standards; and

3 (7) identifies steps the United States can take
4 to assert leadership in Open RAN technology.

5 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-
6 FINED.—In this section, the term “appropriate congres-
7 sional committees” means—

8 (1) the Committee on Foreign Affairs of the
9 House of Representatives;

10 (2) the Committee on Foreign Relations of the
11 Senate;

12 (3) the Committee on Energy and Commerce of
13 the House of Representatives; and

14 (4) the Committee on Commerce, Science, and
15 Transportation of the Senate.

16 **SEC. 1357. REPORT THE GREY WOLVES ORGANIZATION.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Secretary of State shall submit to
19 the appropriate Congressional committees a report that
20 contains the following:

21 (1) A detailed report of the activities of the
22 Grey Wolves organization (AKA Bozkurtlar & Ülkü
23 Ocakları) undertaken against U.S. interests, allies,
24 and international partners, including a review of the
25 criteria met for designation as a foreign terrorist or-

1 organization as set forth in section 219 of the Immi-
2 gration and Nationality Act (8 U.S.C. 1189).

3 (2) A determination as to whether the Grey
4 Wolves meet the criteria for designation as a foreign
5 terrorist organization as set forth in section 219 of
6 the Immigration and Nationality Act (8 U.S.C.
7 1189), and should be designated as such by the Sec-
8 retary of State.

9 (3) If the Secretary of State determines that
10 the Grey Wolves do not meet the criteria set forth
11 under section 219 of the Immigration and Nation-
12 ality Act (8 U.S.C. 1189), a detailed justification as
13 to which criteria have not been met.

14 **SEC. 1358. PRIORITIZATION OF EFFORTS OF THE DEPART-**
15 **MENT OF STATE TO COMBAT INTER-**
16 **NATIONAL TRAFFICKING IN COVERED SYN-**
17 **THETIC DRUGS.**

18 (a) IN GENERAL.—The Secretary of State shall
19 prioritize efforts of the Department of State to combat
20 international trafficking in covered synthetic drugs by car-
21 rying out programs and activities to include the following:

22 (1) Supporting increased data collection by the
23 United States and foreign countries through in-
24 creased drug use surveys among populations, in-

1 increased use of wastewater testing where appropriate,
2 and multilateral sharing of that data.

3 (2) Engaging in increased consultation and
4 partnership with international drug agencies, includ-
5 ing the European Monitoring Centre for Drugs and
6 Drug Addiction, and regulatory agencies in foreign
7 countries.

8 (3) Carrying out the program to provide assist-
9 ance to build the capacity of foreign law enforcement
10 agencies with respect to covered synthetic drugs, as
11 required by section 3.

12 (4) Carrying out exchange programs for govern-
13 mental and nongovernmental personnel in the
14 United States and in foreign countries to provide
15 educational and professional development on demand
16 reduction matters relating to the illicit use of nar-
17 cotics and other drugs, as required by section 4.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than one year
20 after the date of the enactment of this Act, the Sec-
21 retary of State shall submit to the appropriate con-
22 gressional committees a report on the implementa-
23 tion of this section.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means—

4 (A) the Committee on Foreign Affairs and
5 the Committee on Appropriations of the House
6 of Representatives; and

7 (B) the Committee on Foreign Relations
8 and the Committee on Appropriations of the
9 Senate.

10 (c) PROGRAM TO PROVIDE ASSISTANCE TO BUILD
11 THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGEN-
12 CIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.—

13 (1) IN GENERAL.—Notwithstanding section 660
14 of the Foreign Assistance Act of 1961 (22 U.S.C.
15 2420), the Secretary of State shall establish a pro-
16 gram to provide assistance to build the capacity of
17 law enforcement agencies of the countries described
18 in paragraph (3) to help such agencies to identify,
19 track, and improve their forensics detection capabili-
20 ties with respect to covered synthetic drugs.

21 (2) PRIORITY.—The Secretary of State shall
22 prioritize assistance under paragraph (1) among
23 those countries described in paragraph (3) in which
24 such assistance would have the most impact in re-

1 ducing illicit use of covered synthetic drugs in the
2 United States.

3 (3) COUNTRIES DESCRIBED.—The foreign
4 countries described in this paragraph are—

5 (A) countries that are producers of covered
6 synthetic drugs;

7 (B) countries whose pharmaceutical and
8 chemical industries are known to be exploited
9 for development or procurement of precursors
10 of covered synthetic drugs; or

11 (C) major drug-transit countries as defined
12 by the President.

13 (4) AUTHORIZATION OF ADDITIONAL APPRO-
14 PRIATIONS.—There is authorized to be appropriated
15 to the Secretary to carry out this subsection
16 \$4,000,000 for each of the fiscal years 2022 through
17 2026 and such amounts shall be in addition to
18 amounts authorized for such purposes.

19 (d) EXCHANGE PROGRAM FOR GOVERNMENTAL AND
20 NONGOVERNMENTAL PERSONNEL TO PROVIDE EDU-
21 CATIONAL AND PROFESSIONAL DEVELOPMENT ON DE-
22 MAND REDUCTION MATTERS RELATING TO ILLICIT USE
23 OF NARCOTICS AND OTHER DRUGS.—

24 (1) IN GENERAL.—The Secretary of State shall
25 establish or continue and strengthen, as appropriate,

1 an exchange program for governmental and non-
2 governmental personnel in the United States and in
3 foreign countries to provide educational and profes-
4 sional development on demand reduction matters re-
5 lating to the illicit use of narcotics and other drugs.

6 (2) PROGRAM REQUIREMENTS.—The program
7 required by paragraph (1)—

8 (A) shall be limited to individuals who have
9 expertise and experience in matters described in
10 paragraph (1);

11 (B) in the case of inbound exchanges, may
12 be carried out as part of exchange programs
13 and international visitor programs administered
14 by the Bureau of Educational and Cultural Af-
15 fairs of the Department of State, including the
16 International Visitor Leadership Program in
17 consultation or coordination with the Bureau of
18 International Narcotics and Law Enforcement
19 Affairs; and

20 (C) shall include outbound exchanges for
21 governmental or nongovernmental personnel in
22 the United States.

23 (3) AUTHORIZATION OF ADDITIONAL APPRO-
24 PRIATIONS.—There is authorized to be appropriated
25 to the Secretary to carry out this subsection

1 \$1,000,000 for each of the fiscal years 2022 through
2 2026 and such amounts shall be in addition to
3 amounts authorized for such purposes.

4 (e) AMENDMENTS TO INTERNATIONAL NARCOTICS
5 CONTROL PROGRAM.—

6 (1) INTERNATIONAL NARCOTICS CONTROL
7 STRATEGY REPORT.—Section 489(a) of the Foreign
8 Assistance Act of 1961 (22 U.S.C. 2291h(a)) is
9 amended by adding at the end the following:

10 “(10) SYNTHETIC OPIOIDS AND NEW
11 PSYCHOACTIVE SUBSTANCES.—

12 “(A) SYNTHETIC OPIOIDS.—Information
13 that contains an assessment of the countries
14 significantly involved in the manufacture, pro-
15 duction, or transshipment of synthetic opioids,
16 including fentanyl and fentanyl analogues, to
17 include the following:

18 “(i) The scale of legal domestic pro-
19 duction and any available information on
20 the number of manufacturers and pro-
21 ducers of such opioids in such countries.

22 “(ii) Information on any law enforce-
23 ment assessments of the scale of illegal
24 production, including a description of the

1 capacity of illegal laboratories to produce
2 such opioids.

3 “(iii) The types of inputs used and a
4 description of the primary methods of syn-
5 thesis employed by illegal producers of
6 such opioids.

7 “(iv) An assessment of the policies of
8 such countries to regulate licit manufac-
9 ture and interdict illicit manufacture, di-
10 version, distribution, and shipment of such
11 opioids and an assessment of the effective-
12 ness of the policies’ implementation.

13 “(B) NEW PSYCHOACTIVE SUBSTANCES.—
14 Information on, to the extent practicable, any
15 policies of responding to new psychoactive sub-
16 stances (as such term is defined in section 7 of
17 the FENTANYL Results Act), to include the
18 following:

19 “(i) Which governments have articu-
20 lated policies on scheduling of such sub-
21 stances.

22 “(ii) Any data on impacts of such
23 policies and other responses to such sub-
24 stances.

1 “(iii) An assessment of any policies
2 the United States could adopt to improve
3 its response to new psychoactive sub-
4 stances.”.

5 (2) DEFINITION OF MAJOR ILLICIT DRUG PRO-
6 DUCING COUNTRY.—Section 481(e) of the Foreign
7 Assistance Act of 1961 (22 U.S.C. 2291(e)) is
8 amended—

9 (A) in paragraph (2)—

10 (i) by striking “means a country in
11 which—” and inserting “means—
12 “(A) a country in which—”;

13 (ii) by striking “(A) 1,000” and in-
14 serting the following:

15 “(i) 1,000”;

16 (iii) by striking “(B) 1,000” and in-
17 serting the following:

18 “(ii) 1,000”;

19 (iv) by striking “(C) 5,000” and in-
20 serting the following:

21 “(iii) 5,000”;

22 (v) in subparagraph (A)(iii), as reded-
23 ignated by this subsection, by adding “or”
24 at the end; and

1 (vi) by adding at the end the fol-
2 lowing:

3 “(B) a country which is a significant direct
4 source of illicit narcotic or psychotropic drugs
5 or other controlled substances significantly af-
6 fecting the United States.”; and

7 (B) in paragraph (5) to read as follows:

8 “(5) the term ‘major drug-transit country’
9 means a country through which are transported il-
10 licit narcotic or psychotropic drugs or other con-
11 trolled substances significantly affecting the United
12 States.”.

13 (f) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the President should direct the United
16 States Representative to the United Nations to use
17 the voice and vote of the United States at the
18 United Nations to advocate for more transparent as-
19 sessments of countries by the International Nar-
20 cotics Control Board; and

21 (2) bilateral, plurilateral, and multilateral inter-
22 national cooperation is essential to combating the
23 trafficking of covered synthetic drugs.

24 (g) DEFINITION.—In this section:

25 (1) The term “covered synthetic drug” means—

1 (A) a synthetic controlled substance (as de-
2 fined in section 102(6) of the Controlled Sub-
3 stances Act (21 U.S.C. 802(6))), including
4 fentanyl or a fentanyl analogue; or

5 (B) a new psychoactive substance.

6 (2) The term “new psychoactive substance”
7 means a substance of abuse, or any preparation
8 thereof, that—

9 (A) is not—

10 (i) included in any schedule as a con-
11 trolled substance under the Controlled
12 Substances Act (21 U.S.C. 801 et seq.); or

13 (ii) controlled by the Single Conven-
14 tion on Narcotic Drugs signed at New
15 York, New York, on March 30, 1961, or
16 the Convention on Psychotropic Substances
17 signed at Vienna, Austria, on February 21,
18 1971;

19 (B) is new or has reemerged on the illicit
20 market; and

21 (C) poses a threat to the public health and
22 safety.

1 **SEC. 1359. ANNUAL REPORT ON COMPREHENSIVE NU-**
2 **CLEAR-TEST-BAN TREATY SENSORS.**

3 (a) REQUIREMENT.—Not later than 90 days after the
4 date of the enactment of this Act, and not later than Sep-
5 tember 1 of each subsequent year, the Secretary of De-
6 fense shall submit to the appropriate congressional com-
7 mittees a report on the sensors used in the international
8 monitoring system of the Comprehensive Nuclear-Test-
9 Ban Treaty Organization. Each such report shall include,
10 with respect to the period covered by the report—

11 (1) the number of incidents where such sensors
12 are disabled, turned off, or experience “technical dif-
13 ficulties”; and

14 (2) with respect to each such incident—

15 (A) the location of the sensor;

16 (B) the duration of the incident; and

17 (C) whether the Secretary determines there
18 is reason to believe that the incident was a de-
19 liberate act on the part of the host nation.

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means—

23 (1) the Committee on Armed Services and the
24 Committee on Foreign Affairs of the House of Rep-
25 resentatives; and

1 (2) the Committee on Armed Services and the
2 Committee on Foreign Relations of the Senate.

3 **SEC. 1360. REPORT ON UNITED STATES HUMANITARIAN AID**
4 **TO NAGORNO KARABAKH.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary of State shall submit to
7 the Committee on Foreign Affairs of the House of Rep-
8 resentatives and the Committee on Foreign Relations of
9 the Senate a report that contains—

10 (1) a detailed review of all United States hu-
11 manitarian and developmental assistance programs
12 being implemented in Nagorno Karabakh, including
13 project descriptions and budgets, a listing of
14 partnering organizations, and resulting deliverables;

15 (2) an analysis of the effectiveness of such as-
16 sistance programs for Nagorno Karabakh; and

17 (3) plans for future such assistance programs
18 for Nagorno Karabakh.

19 **SEC. 1361. ANNUAL REPORT ON UNITED STATES STRATEGY**
20 **TO COUNTER MALIGN FOREIGN INFLUENCE**
21 **IN AFRICA.**

22 (a) REPORT REQUIRED.—Not later than 120 days
23 after the date of the enactment of this Act, and annually
24 thereafter for 5 years, the Secretary of State, in consulta-
25 tion with the heads of other Federal departments and

1 agencies as appropriate, shall submit to the appropriate
2 committees a report on the United States strategy and
3 associated efforts to counter the malign influence of the
4 People’s Republic of China, the Russian Federation, and
5 other foreign actors who seek to undermine United States
6 efforts and influence in Africa.

7 (b) ELEMENTS.—The report required by subsection
8 (a) shall include the following:

9 (1) An assessment of the scope and nature of
10 foreign malign influence in Africa, including malign
11 influence that is facilitated by the People’s Republic
12 of China, the Russian Federation, and other actors.

13 (2) A detailed account of United States foreign
14 assistance and other initiatives developed and imple-
15 mented during fiscal years 2018, 2019, 2020, and
16 2021 to address foreign malign influence in Africa,
17 including those programs designed to build foreign
18 government and civil society capacity to improve
19 standards related to human rights, labor, anti-cor-
20 ruption, fiscal transparency, and other tenets of
21 good governance.

22 (3) Analysis of policy and programmatic limita-
23 tions, gaps, and resource requirements to meet re-
24 lated strategic objectives.

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form but may contain
3 a classified annex.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Foreign Affairs of the
8 House of Representatives; and

9 (2) the Committee on Foreign Relations of the
10 Senate.

11 **SEC. 1362. INDEPENDENT STUDY ON HUMAN RIGHTS**
12 **ABUSES RELATED TO THE ARMS EXPORTS OF**
13 **THE TOP FIVE ARMS-EXPORTING FOREIGN**
14 **COUNTRIES.**

15 (a) IN GENERAL.—The Secretary of State, in coordi-
16 nation with the Defense Security Cooperation Agency, the
17 National Security Council, the Secretary of Defense, and
18 the Secretary of Commerce, shall enter into an agreement
19 to provide for the conduct of an independent study on
20 human rights abuses related to the arms exports of the
21 top five arms-exporting foreign countries, including China
22 and Russia.

23 (b) MATTERS TO BE INCLUDED.—The study de-
24 scribed in subsection (a)—

1 (1) shall provide recommendations to reduce ci-
2 vilian harm in foreign countries that may have oc-
3 curred directly or indirectly in connection with such
4 arms exports, including—

5 (A) strategies to work with partner na-
6 tions; and

7 (B) complementary or additional engage-
8 ment, including with capabilities;

9 (2) shall analyze how to reduce risk relating to
10 such arms exports, including through use of addi-
11 tional training, tools, and data; and

12 (3) may include other relevant elements.

13 (c) DEADLINE.—

14 (1) IN GENERAL.—The study described in sub-
15 section (a) shall be completed by September 1, 2022
16 and shall be submitted to the appropriate congress-
17 sional committees not later than 5 days after its
18 completion.

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate congressional committees” means—

22 (A) the Committee on Foreign Affairs and
23 the Committee on Armed Services of the House
24 of Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Committee on Armed Services of the
3 Senate.

4 **SEC. 1363. FUNDING FOR CIVILIAN HARM MITIGATION BY**
5 **DEFENSE SECURITY COOPERATION AGENCY.**

6 (a) INCREASE.—Notwithstanding the amounts set
7 forth in the funding tables in division D, the amount au-
8 thorized to be appropriated in section 301 for operation
9 and maintenance, Defense-wide, as specified in the cor-
10 responding funding table in section 4301, for the Defense
11 Security Cooperation Agency is hereby increased by
12 \$2,000,000, of which \$1,000,000 is for the Defense Insti-
13 tute of International Legal Studies for Civilian Harm
14 Mitigation and \$1,000,000 is for the Institute of Security
15 Governance for Civilian Harm Mitigation, for civilian
16 harm mitigation overall program process improvement and
17 management such as, at a minimum, assessment frame-
18 work development and improvement, risk analysis im-
19 provement, and the development of new training and ad-
20 vising materials.

21 (b) OFFSET.—Notwithstanding the amounts set forth
22 in the funding tables in division D, the amount authorized
23 to be appropriated in section 301 for operation and main-
24 tenance, Defense-wide, as specified in the corresponding

1 funding table in section 4301, for Undistributed in line
2 580 is hereby reduced by \$2,000,000.

3 **Subtitle D—Central American**
4 **Women and Children Protection**
5 **Act of 2021**

6 **SEC. 1371. SHORT TITLE.**

7 This subtitle may be cited as the “Central American
8 Women and Children Protection Act of 2021”.

9 **SEC. 1372. FINDINGS.**

10 Congress finds the following:

11 (1) The Northern Triangle countries of El Sal-
12 vador, Guatemala, and Honduras have among the
13 highest homicide rates in the world. In 2020, there
14 were—

15 (A) 19.7 homicides per 100,000 people in
16 El Salvador;

17 (B) 15.4 homicides per 100,000 people in
18 Guatemala; and

19 (C) 37.6 homicides per 100,000 people in
20 Honduras.

21 (2) El Salvador, Guatemala, and Honduras are
22 characterized by a high prevalence of drug- and
23 gang-related violence, murder, and crimes involving
24 sexual- and gender-based violence against women

1 and children, including domestic violence, child
2 abuse, and sexual assault.

3 (3) In 2019, El Salvador, Guatemala, and Hon-
4 duras were all listed among the 7 countries in the
5 Latin America and Caribbean region with the high-
6 est rates of femicides (the intentional killing of
7 women or girls because of their gender). In 2019—

8 (A) 113 women in El Salvador were vic-
9 tims of femicide;

10 (B) 160 women in Guatemala were victims
11 of femicide; and

12 (C) 299 women in Honduras were victims
13 of femicide or violent homicide.

14 (4) In 2015, El Salvador and Honduras were
15 among the top 3 countries in the world with the
16 highest child homicides rates, with more than 22
17 and 32 deaths per 100,000 children, respectively, ac-
18 cording to the nongovernmental organization Save
19 the Children.

20 (5) Thousands of women, children, and families
21 from El Salvador, Guatemala, and Honduras fled
22 unsafe homes and communities in 2019.

23 (6) Violent crimes against women and children
24 are generally assumed to be substantially under-re-

1 reported because the majority of victims lack safe ac-
2 cess to protection and justice.

3 (7) Impunity for perpetrators of violence
4 against women is rampant in El Salvador, Guate-
5 mala, and Honduras. There was a 5 percent convic-
6 tion rate for violence against women in El Salvador
7 in 2016 and 2017. The impunity level for violence
8 against women in Guatemala was 97.05 percent in
9 2018. In 2018, there was an impunity rate of 95
10 percent for violence against women in Honduras.

11 (8) According to a study conducted by the
12 Woodrow Wilson International Center for Schol-
13 ars—

14 (A) childhood experiences with domestic vi-
15 olence in Latin America are a major risk factor
16 for future criminal behavior; and

17 (B) 56 percent of incarcerated women and
18 59 percent of incarcerated men surveyed experi-
19 enced intra-familial violence during childhood.

20 **SEC. 1373. WOMEN AND CHILDREN PROTECTION COM-**
21 **PACTS.**

22 (a) **AUTHORIZATION TO ENTER INTO COMPACTS.—**
23 The President, in coordination with the Secretary of State
24 and the Administrator of the United States Agency for
25 International Development, is authorized to enter into

1 multi-year, bilateral agreements of not longer than 6 years
2 in duration, developed in conjunction with the govern-
3 ments of El Salvador, Guatemala, and Honduras (referred
4 to in this subtitle as “Compact Countries”). Such agree-
5 ments shall be known as Women and Children Protection
6 Compacts (referred to in this subtitle as “Compacts”).

7 (b) PURPOSE.—Each Compact shall—

8 (1) set out the shared goals and objectives of
9 the United States and the government of the Com-
10 pact Country; and

11 (2) be aimed at strengthening the Compact
12 Country’s efforts—

13 (A) to strengthen criminal justice and civil
14 court systems to protect women and children
15 and serve victims of domestic violence, sexual
16 violence, and child exploitation and neglect, and
17 hold perpetrators accountable;

18 (B) to secure, create, and sustain safe
19 communities, building on best practices to pre-
20 vent and deter violence against women and chil-
21 dren;

22 (C) to ensure that schools are safe and
23 promote the prevention and early detection of
24 domestic abuse against women and children
25 within communities; and

1 (D) to increase access to high-quality, life-
2 saving health care, including post-rape and dig-
3 nity kits, psychosocial support, and dedicated
4 spaces and shelters for gender-based violence
5 survivors, in accordance with international
6 standards.

7 (c) COMPACT ELEMENTS.—Each Compact shall—

8 (1) establish a 3- to 6-year cooperative strategy
9 and assistance plan for achieving the shared goals
10 and objectives articulated in such Compact;

11 (2) be informed by the assessments of—

12 (A) the areas within the Compact Country
13 experiencing the highest incidence of violence
14 against women and children;

15 (B) the ability of women and children to
16 access protection and obtain effective judicial
17 relief; and

18 (C) the judicial capacity to respond to re-
19 ports within the Compact Country of femicide,
20 sexual and domestic violence, and child exploi-
21 tation and neglect, and to hold the perpetrators
22 of such criminal acts accountable;

23 (3) seek to address the driving forces of vio-
24 lence against women and children, which shall in-

1 include efforts to break the binding constraints to in-
2 clusive economic growth and access to justice;

3 (4) identify clear and measurable goals, objec-
4 tives, and benchmarks under the Compact to detect,
5 deter and respond to violence against women and
6 children;

7 (5) set out clear roles, responsibilities, and ob-
8 jectives under the Compact, which shall include a de-
9 scription of the anticipated policy and financial com-
10 mitments of the central government of the Compact
11 Country;

12 (6) seek to leverage and deconflict contributions
13 and complementary programming by other donors,
14 international organizations, multilateral institutions,
15 regional organizations, nongovernmental organiza-
16 tions, and the private sector, as appropriate;

17 (7) include a description of the metrics and in-
18 dicators to monitor and measure progress toward
19 achieving the goals, objectives, and benchmarks
20 under the Compact, including reductions in the prev-
21 alence of femicide, sexual assault, domestic violence,
22 and child abuse and neglect;

23 (8) provide for the conduct of an impact evalua-
24 tion not later than 1 year after the conclusion of the
25 Compact; and

1 (9) provide for a full accounting of all funds ex-
2 pended under the Compact, which shall include full
3 audit authority for the Office of the Inspector Gen-
4 eral of the Department of State, the Office of the
5 Inspector General of the United States Agency for
6 International Development, and the Government Ac-
7 countability Office, as appropriate.

8 (d) SUNSET.—The authority to enter into Compacts
9 under this subtitle shall expire on September 30, 2023.

10 **SEC. 1374. AUTHORIZATION OF ASSISTANCE.**

11 (a) ASSISTANCE.—The President, in coordination
12 with the Secretary of State and the Administrator of the
13 United States Agency for International Development, is
14 authorized to provide assistance under this section.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$25,000,000 for each of the
17 fiscal years 2022 and 2023 to carry out this subtitle.

18 (c) IMPLEMENTERS.—Assistance authorized under
19 subsection (a) may be provided through grants, coopera-
20 tive agreements, contracts or other innovative financing
21 instruments to civil society, international organizations, or
22 other private entities with relevant expertise.

23 (d) PROHIBITION ON FUNDING TO CENTRAL GOV-
24 ERNMENTS.—No funds appropriated pursuant to sub-
25 section (b) may be provided as direct budgetary support

1 to the Government of El Salvador, the Government of
2 Guatemala, or the Government of Honduras.

3 (e) SUSPENSION OF ASSISTANCE.—

4 (1) IN GENERAL.—The Secretary of State, in
5 coordination with the Administrator of the United
6 States Agency for International Development, may
7 suspend or terminate assistance authorized under
8 this subtitle if the Secretary determines that the
9 Compact Country or implementing entity—

10 (A) is engaged in activities that are con-
11 trary to the national security interests of the
12 United States;

13 (B) has engaged in a pattern of actions in-
14 consistent with the goals, objectives, commit-
15 ments, or obligations under the Compact; or

16 (C) has failed to make sufficient progress
17 toward meeting the goals, objectives, commit-
18 ments, or obligations under the Compact.

19 (2) REINSTATEMENT.—The President, in co-
20 ordination with the Secretary of State and the Ad-
21 ministrator of the United States Agency for Inter-
22 national Development, may reinstate assistance sus-
23 pended or terminated pursuant to paragraph (1)
24 only if the Secretary certifies to the Committee on
25 Foreign Relations of the Senate and the Committee

1 on Foreign Affairs of the House of Representatives
2 that the Compact Country or implementing entity
3 has taken steps to correct each condition for which
4 assistance was suspended or terminated under para-
5 graph (1).

6 (3) NOTIFICATION AND REPORT.—Not later
7 than 15 days before suspending or terminating as-
8 sistance pursuant to paragraph (1), the Secretary, in
9 coordination with the Administrator of the United
10 States Agency for International Development, shall
11 notify the Committee on Foreign Relations of the
12 Senate and the Committee on Foreign Affairs of the
13 House of Representatives of the suspension or termi-
14 nation, including a justification for such action.

15 **SEC. 1375. CONGRESSIONAL NOTIFICATION.**

16 Not later than 15 days before entering into a Com-
17 pact with the Government of Guatemala, the Government
18 of Honduras, or the Government of El Salvador, the Sec-
19 retary of State, in coordination with the Administrator of
20 the United States Agency for International Development,
21 shall submit to the Committee on Foreign Relations of the
22 Senate and the Committee on Foreign Affairs of the
23 House of Representatives—

24 (1) a copy of the proposed Compact;

1 (2) a detailed summary of the cooperative strat-
2 egy and assistance plan required under section
3 1333(c); and

4 (3) a copy of any annexes, appendices, or imple-
5 mentation plans related to the Compact.

6 **SEC. 1376. COMPACT PROGRESS REPORTS AND BRIEFINGS.**

7 (a) **PROGRESS REPORT.**—Not later than 1 year after
8 entering into a Compact, and annually during the life of
9 the Compact, the President, in coordination with the Sec-
10 retary of State and the Administrator of the United States
11 Agency for International Development, shall submit a re-
12 port to the Committee on Foreign Relations of the Senate
13 and the Committee on Foreign Affairs of the House of
14 Representatives describing the progress made under the
15 Compact.

16 (b) **CONTENTS.**—The report under subsection (a)
17 shall include—

18 (1) analysis and information on the overall
19 rates of gender-based violence against women and
20 children in El Salvador, Guatemala, and Honduras,
21 including by using survivor surveys, regardless of
22 whether or not these acts of violence are reported to
23 government authorities;

24 (2) analysis and information on incidences of
25 cases of gender-based violence against women and

1 children reported to the authorities in El Salvador,
2 Guatemala, and Honduras, and the percentage of al-
3 leged perpetrators investigated, apprehended, pros-
4 ecuted, and convicted;

5 (3) analysis and information on the capacity
6 and resource allocation of child welfare systems in
7 El Salvador, Guatemala, and Honduras to protect
8 unaccompanied children;

9 (4) the percentage of reported violence against
10 women and children cases reaching conviction;

11 (5) a baseline and percentage changes in
12 women and children victims receiving legal and other
13 social services;

14 (6) a baseline and percentage changes in school
15 retention rates;

16 (7) a baseline and changes in capacity of police,
17 prosecution service, and courts to combat violence
18 against women and children;

19 (8) a baseline and changes in capacity of
20 health, protection, and other relevant ministries to
21 support survivors of gender-based violence; and

22 (9) independent external evaluation of funded
23 programs, including compliance with terms of the
24 Compacts by El Salvador, Guatemala, and Hon-
25 duras, and by the recipients of the assistance.

1 (c) BRIEFING.—Not later than 180 days after the
2 date of the enactment of this Act, the Secretary of State
3 and the Administrator of the United States Agency for
4 International Development shall provide a briefing to the
5 Committee on Foreign Relations of the Senate and the
6 Committee on Foreign Affairs of the House of Representa-
7 tives regarding—

8 (1) the data and information collected pursuant
9 to this section; and

10 (2) the steps taken to protect and assist victims
11 of domestic violence, sexual violence, and child ex-
12 ploitation and neglect.

13 **TITLE XIV—OTHER** 14 **AUTHORIZATIONS**

15 **Subtitle A—Military Programs**

16 **SEC. 1401. WORKING CAPITAL FUNDS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2022 for the use of the Armed Forces and other
19 activities and agencies of the Department of Defense for
20 providing capital for working capital and revolving funds,
21 as specified in the funding table in section 4501.

22 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-** 23 **TION, DEFENSE.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
25 are hereby authorized to be appropriated for the Depart-

1 ment of Defense for fiscal year 2022 for expenses, not oth-
2 erwise provided for, for Chemical Agents and Munitions
3 Destruction, Defense, as specified in the funding table in
4 section 4501.

5 (b) USE.—Amounts authorized to be appropriated
6 under subsection (a) are authorized for—

7 (1) the destruction of lethal chemical agents
8 and munitions in accordance with section 1412 of
9 the Department of Defense Authorization Act, 1986
10 (50 U.S.C. 1521); and

11 (2) the destruction of chemical warfare materiel
12 of the United States that is not covered by section
13 1412 of such Act.

14 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
15 **TIVITIES, DEFENSE-WIDE.**

16 Funds are hereby authorized to be appropriated for
17 the Department of Defense for fiscal year 2022 for ex-
18 penses, not otherwise provided for, for Drug Interdiction
19 and Counter-Drug Activities, Defense-wide, as specified in
20 the funding table in section 4501.

21 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

22 Funds are hereby authorized to be appropriated for
23 the Department of Defense for fiscal year 2022 for ex-
24 penses, not otherwise provided for, for the Office of the

1 Inspector General of the Department of Defense, as speci-
2 fied in the funding table in section 4501.

3 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2022 for the Defense Health Program for use
6 of the Armed Forces and other activities and agencies of
7 the Department of Defense for providing for the health
8 of eligible beneficiaries, as specified in the funding table
9 in section 4501.

10 **Subtitle B—Other Matters**

11 **SEC. 1411. ACQUISITION OF STRATEGIC AND CRITICAL MA-**
12 **TERIALS FROM THE NATIONAL TECHNOLOGY**
13 **AND INDUSTRIAL BASE.**

14 The Strategic and Critical Materials Stock Piling Act
15 (50 U.S.C. 98 et seq.) is amended—

16 (1) in section 6(b)(2), by inserting “to consult
17 with producers and processors of such materials” be-
18 fore “to avoid”;

19 (2) in section 12, by adding at the end the fol-
20 lowing new paragraph:

21 “(3) The term ‘national technology and indus-
22 trial base’ has the meaning given in section 2500 of
23 title 10, United States Code.”; and

24 (3) in section 15(a)—

1 (A) in paragraph (3), by striking “and” at
2 the end;

3 (B) in paragraph (4), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(5) if domestic sources are unavailable to meet
8 the requirements defined in paragraphs (1) through
9 (4), by making efforts to prioritize the purchase of
10 strategic and critical materials from the national
11 technology and industrial base.”.

12 **SEC. 1412. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
13 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
14 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
15 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
16 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

17 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
18 funds authorized to be appropriated for section 1405 and
19 available for the Defense Health Program for operation
20 and maintenance, \$137,000,000 may be transferred by the
21 Secretary of Defense to the Joint Department of Defense–
22 Department of Veterans Affairs Medical Facility Dem-
23 onstration Fund established by subsection (a)(1) of sec-
24 tion 1704 of the National Defense Authorization Act for
25 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

1 For purposes of subsection (a)(2) of such section 1704,
2 any funds so transferred shall be treated as amounts au-
3 thorized and appropriated specifically for the purpose of
4 such a transfer.

5 (b) USE OF TRANSFERRED FUNDS.—For the pur-
6 poses of subsection (b) of such section 1704, facility oper-
7 ations for which funds transferred under subsection (a)
8 may be used are operations of the Captain James A.
9 Lovell Federal Health Care Center, consisting of the
10 North Chicago Veterans Affairs Medical Center, the Navy
11 Ambulatory Care Center, and supporting facilities des-
12 ignated as a combined Federal medical facility under an
13 operational agreement covered by section 706 of the Dun-
14 can Hunter National Defense Authorization Act for Fiscal
15 Year 2009 (Public Law 110–417; 122 Stat. 4500).

16 **SEC. 1413. AUTHORIZATION OF APPROPRIATIONS FOR**
17 **ARMED FORCES RETIREMENT HOME.**

18 There is hereby authorized to be appropriated for fis-
19 cal year 2022 from the Armed Forces Retirement Home
20 Trust Fund the sum of \$75,300,000 for the operation of
21 the Armed Forces Retirement Home.

1 **SEC. 1414. ESTABLISHMENT OF SOUTHERN NEW ENGLAND**
2 **REGIONAL COMMISSION.**

3 (a) ESTABLISHMENT.—Section 15301(a) of title 40,
4 United States Code, is amended by adding at the end the
5 following:

6 “(4) The Southern New England Regional
7 Commission.”.

8 (b) DESIGNATION OF REGION.—

9 (1) IN GENERAL.—Subchapter II of chapter
10 157 of such title is amended by adding at the end
11 the following:

12 **“§ 15734. Southern New England Regional Commis-**
13 **sion**

14 “The region of the Southern New England Regional
15 Commission shall include the following counties:

16 “(1) RHODE ISLAND.—Each county in the
17 State of Rhode Island.

18 “(2) CONNECTICUT.—The counties of Hartford,
19 New Haven, Windham, Tolland, Middlesex, and New
20 London in the State of Connecticut.

21 “(3) MASSACHUSETTS.—The counties of
22 Hampden, Plymouth, Barnstable, Essex, Worcester,
23 and Bristol in the State of Massachusetts.”.

24 (2) TECHNICAL AND CONFORMING AMEND-
25 MENT.—The analysis for Subchapter II of chapter

1 157 of such title is amended by adding at the end
2 the following:

“15734. Southern New England Regional Commission.”.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—The au-
4 thorization of appropriations in section 15751 of title 40,
5 United States Code, shall apply with respect to the South-
6 ern New England Regional Commission beginning with
7 fiscal year 2022.

8 **TITLE XV—CYBERSPACE-**
9 **RELATED MATTERS**
10 **Subtitle A—Cyber Threats**

11 **SEC. 1501. CYBER THREAT INFORMATION COLLABORATION**
12 **ENVIRONMENT.**

13 (a) IN GENERAL.—In consultation with the Cyber
14 Threat Data Standards and Interoperability Council es-
15 tablished pursuant to subsection (d), the Secretary of
16 Homeland Security, in coordination with the Secretary of
17 Defense and the Director of National Intelligence (acting
18 through the Director of the National Security Agency),
19 shall develop an information collaboration environment
20 and associated analytic tools that enable entities to iden-
21 tify, mitigate, and prevent malicious cyber activity to—

22 (1) provide limited access to appropriate and
23 operationally relevant data from unclassified and
24 classified intelligence about cybersecurity risks and
25 cybersecurity threats, as well as malware forensics

1 and data from network sensor programs, on a plat-
2 form that enables query and analysis;

3 (2) enable cross-correlation of data on cyberse-
4 curity risks and cybersecurity threats at the speed
5 and scale necessary for rapid detection and identi-
6 fication;

7 (3) facilitate a comprehensive understanding of
8 cybersecurity risks and cybersecurity threats; and

9 (4) facilitate collaborative analysis between the
10 Federal Government and private sector critical infra-
11 structure entities and information and analysis orga-
12 nizations.

13 (b) IMPLEMENTATION OF INFORMATION COLLABO-
14 RATION ENVIRONMENT.—

15 (1) EVALUATION.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Homeland Security, acting through the Di-
18 rector of the Cybersecurity and Infrastructure Secu-
19 rity Agency of the Department of Homeland Secu-
20 rity, in coordination with the Secretary of Defense
21 and the Director of National Intelligence (acting
22 through the Director of the National Security Agen-
23 cy), shall—

1 (A) identify, inventory, and evaluate exist-
2 ing Federal sources of classified and unclassi-
3 fied information on cybersecurity threats;

4 (B) evaluate current programs, applica-
5 tions, or platforms intended to detect, identify,
6 analyze, and monitor cybersecurity risks and
7 cybersecurity threats; and

8 (C) coordinate with private sector critical
9 infrastructure entities and, as determined ap-
10 propriate by the Secretary of Homeland Secu-
11 rity, in consultation with the Secretary of De-
12 fense, other private sector entities, to identify
13 private sector cyber threat capabilities, needs,
14 and gaps.

15 (2) IMPLEMENTATION.—Not later than one
16 year after the evaluation required under paragraph
17 (1), the Secretary of Homeland Security, acting
18 through the Director of the Cybersecurity and Infra-
19 structure Security Agency, in coordination with the
20 Secretary of Defense and the Director of National
21 Intelligence (acting through the Director of the Na-
22 tional Security Agency), shall begin implementation
23 of the information collaboration environment devel-
24 oped pursuant to subsection (a) to enable partici-
25 pants in such environment to develop and run ana-

1 lytic tools referred to in such subsection on specified
2 data sets for the purpose of identifying, mitigating,
3 and preventing malicious cyber activity that is a
4 threat to government and critical infrastructure.
5 Such environment and use of such tools shall—

6 (A) operate in a manner consistent with
7 relevant privacy, civil rights, and civil liberties
8 policies and protections, including such policies
9 and protections established pursuant to section
10 1016 of the Intelligence Reform and Terrorism
11 Prevention Act of 2004 (6 U.S.C. 485);

12 (B) account for appropriate data standards
13 and interoperability requirements, consistent
14 with the standards set forth in subsection (d);

15 (C) enable integration of current applica-
16 tions, platforms, data, and information, includ-
17 ing classified information, in a manner that
18 supports integration of unclassified and classi-
19 fied information on cybersecurity risks and cy-
20 bersecurity threats;

21 (D) incorporate tools to manage access to
22 classified and unclassified data, as appropriate;

23 (E) ensure accessibility by entities the Sec-
24 retary of Homeland Security, in consultation
25 with the Secretary of Defense and the Director

1 of National Intelligence (acting through the Di-
2 rector of the National Security Agency), deter-
3 mines appropriate;

4 (F) allow for access by critical infrastruc-
5 ture stakeholders and other private sector part-
6 ners, at the discretion of the Secretary of
7 Homeland Security, in consultation with the
8 Secretary of Defense;

9 (G) deploy analytic tools across classifica-
10 tion levels to leverage all relevant data sets, as
11 appropriate;

12 (H) identify tools and analytical software
13 that can be applied and shared to manipulate,
14 transform, and display data and other identified
15 needs; and

16 (I) anticipate the integration of new tech-
17 nologies and data streams, including data from
18 government-sponsored network sensors or net-
19 work-monitoring programs deployed in support
20 of State, local, Tribal, and territorial govern-
21 ments or private sector entities.

22 (c) POST-DEPLOYMENT ASSESSMENT.—Not later
23 than two years after the implementation of the informa-
24 tion collaboration environment under subsection (b), the
25 Secretary of Homeland Security, the Secretary of Defense,

1 and the Director of National Intelligence (acting through
2 the Director of the National Security Agency) shall jointly
3 submit to Congress an assessment of whether to include
4 additional entities, including critical infrastructure infor-
5 mation sharing and analysis organizations, in such envi-
6 ronment.

7 (d) CYBER THREAT DATA STANDARDS AND INTER-
8 OPERABILITY COUNCIL.—

9 (1) ESTABLISHMENT.—There is established an
10 interagency council, to be known as the “Cyber
11 Threat Data Standards and Interoperability Coun-
12 cil” (in this subsection referred to as the “council”),
13 chaired by the Secretary of Homeland Security, to
14 establish data standards and requirements for public
15 and private sector entities to participate in the infor-
16 mation collaboration environment developed pursu-
17 ant to subsection (a).

18 (2) OTHER MEMBERSHIP.—

19 (A) PRINCIPAL MEMBERS.—In addition to
20 the Secretary of Homeland Security, the council
21 shall be composed of the Director of the Cyber-
22 security and Infrastructure Security Agency of
23 the Department of Homeland Security, the Sec-
24 retary of Defense, and the Director of National

1 Intelligence (acting through the Director of the
2 National Security Agency).

3 (B) ADDITIONAL MEMBERS.—The Presi-
4 dent shall identify and appoint council members
5 from public and private sector entities who
6 oversee programs that generate, collect, or dis-
7 seminate data or information related to the de-
8 tection, identification, analysis, and monitoring
9 of cybersecurity risks and cybersecurity threats,
10 based on recommendations submitted by the
11 Secretary of Homeland Security, the Secretary
12 of Defense, and the Director of National Intel-
13 ligence (acting through the Director of the Na-
14 tional Security Agency).

15 (3) DATA STREAMS.—The council shall identify,
16 designate, and periodically update programs that
17 shall participate in or be interoperable with the in-
18 formation collaboration environment developed pur-
19 suant to subsection (a), which may include the fol-
20 lowing:

21 (A) Network-monitoring and intrusion de-
22 tection programs.

23 (B) Cyber threat indicator sharing pro-
24 grams.

1 (C) Certain government-sponsored network
2 sensors or network-monitoring programs.

3 (D) Incident response and cybersecurity
4 technical assistance programs.

5 (E) Malware forensics and reverse-engi-
6 neering programs.

7 (4) DATA GOVERNANCE.—The council shall es-
8 tablish a committee comprised of the privacy officers
9 of the Department of Homeland Security, the De-
10 partment of Defense, and the National Security
11 Agency. Such committee shall establish procedures
12 and data governance structures, as necessary, to
13 protect sensitive data, comply with Federal regula-
14 tions and statutes, and respect existing consent
15 agreements with private sector critical infrastructure
16 entities that apply to critical infrastructure informa-
17 tion.

18 (5) RECOMMENDATIONS.—The council shall, as
19 appropriate, submit recommendations to the Presi-
20 dent to support the operation, adaptation, and secu-
21 rity of the information collaboration environment de-
22 veloped pursuant to subsection (a).

23 (e) DEFINITIONS.—In this section:

24 (1) CRITICAL INFRASTRUCTURE.—The term
25 “critical infrastructure” has the meaning given such

1 term in section 1016(e) of Public Law 107–56 (42
2 U.S.C. 5195c(e)).

3 (2) CRITICAL INFRASTRUCTURE INFORMA-
4 TION.—The term “critical infrastructure informa-
5 tion” has the meaning given such term in section
6 2222 of the Homeland Security Act of 2002 (6
7 U.S.C. 671).

8 (3) CYBER THREAT INDICATOR.—The term
9 “cyber threat indicator” has the meaning given such
10 term in section 102(6) of the Cybersecurity Act of
11 2015 (enacted as division N of the Consolidated Ap-
12 propriations Act, 2016 (Public Law 114–113; 6
13 U.S.C. 1501(6))).

14 (4) CYBERSECURITY RISK.—The term “cyberse-
15 curity risk” has the meaning given such term in sec-
16 tion 2209 of the Homeland Security Act of 2002 (6
17 U.S.C. 659).

18 (5) CYBERSECURITY THREAT.—The term “cy-
19 bersecurity threat” has the meaning given such term
20 in section 102(5) of the Cybersecurity Act of 2015
21 (enacted as division N of the Consolidated Appro-
22 priations Act, 2016 (Public Law 114–113; 6 U.S.C.
23 1501(5))).

24 (6) INFORMATION SHARING AND ANALYSIS OR-
25 GANIZATION.—The term “information sharing and

1 analysis organization” has the meaning given such
2 term in section 2222 of the Homeland Security Act
3 of 2002 (6 U.S.C. 671).

4 **SEC. 1502. ENTERPRISE-WIDE PROCUREMENT OF COMMER-**
5 **CIAL CYBER THREAT INFORMATION PROD-**
6 **UCTS.**

7 (a) PROGRAM.—No later than one year after the date
8 of the enactment of this Act, the Secretary of Defense,
9 acting through the Commander of Joint Force Head-
10 quarters-Department of Defense information products
11 Network, shall establish a program management office for
12 the enterprise-wide procurement of commercial cyber
13 threat information products. The program manager of
14 such program shall be responsible for the following:

15 (1) Surveying components of the Department
16 for the commercial cyber threat information product
17 needs of such components.

18 (2) Conducting market research of commercial
19 cyber threat information products.

20 (3) Developing requirements, both independ-
21 ently and through consultation with components, for
22 the acquisition of commercial cyber threat informa-
23 tion products.

24 (4) Developing and instituting model contract
25 language for the acquisition of commercial cyber

1 threat information products, including contract lan-
2 guage that facilitates Department of Defense compo-
3 nents' requirements for ingesting, sharing, using and
4 reusing, structuring, and analyzing data derived
5 from such products.

6 (5) Conducting procurement of commercial
7 cyber threat information products on behalf of the
8 Department of Defense, including negotiating con-
9 tracts with a fixed number of licenses based on ag-
10 gregate component demand and negotiation of exten-
11 sible contracts.

12 (b) COORDINATION.—In implementing this section,
13 each component of the Department of Defense shall co-
14 ordinate the commercial cyber threat information product
15 requirements and potential procurement plans relating to
16 such products of each such component with the program
17 management office established pursuant to subsection (a)
18 so as to enable the program management office to deter-
19 mine if satisfying such requirements or such procurement
20 of such products on an enterprise-wide basis would serve
21 the best interests of the Department.

22 (c) PROHIBITION.—Beginning not later than 540
23 days after the date of the enactment of this Act, no com-
24 ponent of the Department of Defense may independently
25 procure a commercial cyber threat information product

1 that has been procured by the program management office
2 established pursuant to subsection (a), unless—

3 (1) such component is able to procure such
4 product at a lower per-unit price than that available
5 through the program management office; or

6 (2) the program management office has ap-
7 proved such independent purchase.

8 (d) EXCEPTION.—The requirements of subsections
9 (b) and (c) shall not apply to the National Security Agen-
10 cy.

11 (e) DEFINITION.—In this section, the term “commer-
12 cial cyber threat information products” refers to commer-
13 cially-available data and indicators that facilitate discovery
14 and understanding of the targets, infrastructure, tools,
15 and tactics, techniques, and procedures of cyber threats.

16 **Subtitle B—Cyber Systems and** 17 **Operations**

18 **SEC. 1511. LEGACY INFORMATION TECHNOLOGIES AND** 19 **SYSTEMS ACCOUNTABILITY.**

20 (a) IN GENERAL.—Not later than 270 days after the
21 date of the enactment of this Act, the Secretaries of the
22 Army, Navy, and Air Force shall each initiate efforts to
23 identify legacy applications, software, and information
24 technology within their respective Departments.

1 (b) SPECIFICATIONS.—To carry out subsection (a),
2 that Secretaries of the Army, Navy, and Air Force shall
3 each document the following:

4 (1) An identification of the applications, soft-
5 ware, and information technologies that are consid-
6 ered active or operational, but which are judged to
7 no longer be required by the respective Department.

8 (2) Information relating to the sources of fund-
9 ing for the applications, software, and information
10 technologies identified under paragraph (1).

11 (3) An identification of the senior official re-
12 sponsible for each application, software, and infor-
13 mation technology identified under paragraph (1).

14 (4) A plan to discontinue use and funding for
15 each item application, software, and information
16 technology identified under paragraph (1).

17 (c) EXEMPTION.—Any effort substantially similar to
18 that described in subsection (a) that is being carried out
19 by the Secretary of the Army, Navy, or Air Force as of
20 the date of the enactment of this Act and completed not
21 later 180 days after such date shall be treated as satis-
22 fying the requirement under such subsection.

23 (d) REPORT.—Not later than 270 days after the date
24 of the enactment of this Act, the Secretaries of the Army,
25 Navy, and Air Force shall each submit to the congress-

1 sional defense committees the documentation required
2 under subsection (b).

3 **SEC. 1512. UPDATE RELATING TO RESPONSIBILITIES OF**
4 **CHIEF INFORMATION OFFICER.**

5 Paragraph (1) of section 142(b) of title 10, United
6 States Code, is amended—

7 (1) in subparagraphs (A), (B), and (C), by
8 striking “(other than with respect to business man-
9 agement)” each place it appears; and

10 (2) by amending subparagraph (D) to read as
11 follows:

12 “(D) exercises authority, direction, and control
13 over the Cybersecurity Directorate, or any successor
14 organization, of the National Security Agency;”.

15 **SEC. 1513. PROTECTIVE DOMAIN NAME SYSTEM WITHIN**
16 **THE DEPARTMENT OF DEFENSE.**

17 (a) **IN GENERAL.**—Not later than 120 days after the
18 date of the enactment of this Act, the Secretary shall en-
19 sure each component of the Department of Defense uses
20 a Protective Domain Name System (PDNS) instantiation
21 offered by the Department.

22 (b) **EXEMPTIONS.**—The Secretary of Defense may ex-
23 empt a component of the Department from using a PDNS
24 instantiation for any reason except for cost or technical
25 application.

1 (c) REPORT TO CONGRESS.—Not later than 150 days
2 after the date of the enactment of this Act, the Secretary
3 of Defense shall submit to the congressional defense com-
4 mittees a report that includes information relating to—

5 (1) each component of the Department that
6 uses a PDNS instantiation offered by the Depart-
7 ment;

8 (2) each component exempt from using a
9 PDNS instantiation pursuant to subsection (b); and

10 (3) efforts to ensure that the PDNS
11 instantiation offered by the Department connect and
12 share relevant and timely data.

13 **Subtitle C—Cyber Weapons**

14 **SEC. 1521. NOTIFICATION REQUIREMENTS REGARDING** 15 **CYBER WEAPONS.**

16 (a) IN GENERAL.—Not later than 120 days after the
17 date of the enactment of this Act, the Secretary of Defense
18 shall submit to the congressional defense committees a re-
19 port on the Department of Defense’s compliance respon-
20 sibilities regarding cyber capabilities. Such report shall
21 also include the Department’s definition of “cyber capa-
22 bility” that includes all software, hardware, middleware,
23 code, and other information technology developed using
24 amounts from the Cyberspace Activities Budget of the De-

1 partment of Defense that may used in operations author-
2 ized under title 10, United States Code.

3 (b) LIMITATION.—Of amounts authorized to be ap-
4 propriated by this Act or otherwise made available for fis-
5 cal year 2022 for operations and maintenance, Defense-
6 Wide, for the Office of the Secretary of Defense for travel,
7 not more than 75 percent of such amounts may be obli-
8 gated or expended until the Secretary of Defense has sub-
9 mitted to the congressional defense committees the report
10 required under subsection (a).

11 **SEC. 1522. CYBERSECURITY OF WEAPON SYSTEMS.**

12 Section 1640 of the National Defense Authorization
13 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
14 2224 note), is amended—

15 (1) in subsection (c)(1), by adding at the end
16 the following new subparagraphs:

17 “(E) Nuclear Command, Control, and
18 Communications (NC3).

19 “(F) Senior Leadership Enterprise.”; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(f) BIENNIAL REPORTS.—Not later than June 30,
23 2022, and every six months thereafter through 2023, the
24 Secretary of Defense shall provide to the congressional de-
25 fense committees a report on the work of the Program,

1 including information relating to staffing and accomplish-
2 ments of during the immediately preceding six-month pe-
3 riod.”.

4 **SEC. 1523. EXTENSION OF SUNSET FOR PILOT PROGRAM**
5 **ON REGIONAL CYBERSECURITY TRAINING**
6 **CENTER FOR THE ARMY NATIONAL GUARD.**

7 Section 1651(e) of the John S. McCain National De-
8 fense Authorization Act for Fiscal Year 2019 (Public Law
9 115–232; 32 U.S.C. 501 note) is amended by striking
10 “2022” and inserting “2024”.

11 **Subtitle D—Other Cyber Matters**

12 **SEC. 1531. FEASIBILITY STUDY REGARDING ESTABLISH-**
13 **MENT WITHIN THE DEPARTMENT OF DE-**
14 **FENSE A DESIGNATED CENTRAL PROGRAM**
15 **OFFICE, HEADED BY A SENIOR DEPARTMENT**
16 **OFFICIAL, RESPONSIBLE FOR OVERSEEING**
17 **ALL ACADEMIC ENGAGEMENT PROGRAMS**
18 **FOCUSING ON CREATING CYBER TALENT**
19 **ACROSS THE DEPARTMENT.**

20 (a) IN GENERAL.—Not later than 270 days after the
21 date of the enactment of this Act, the Secretary of Defense
22 shall submit to the congressional defense committees a
23 feasibility study regarding the establishment within the
24 Department of Defense of a designated central program
25 office, headed by a senior Department official, responsible

1 for overseeing all academic engagement programs focusing
2 on creating cyber talent across the Department. Such
3 study shall examine the following:

4 (1) The manner in or through which such a
5 designated central program office would obligate and
6 expend amounts relating to cyber education initia-
7 tives.

8 (2) The manner in or through which such a
9 designated central program office would interact
10 with the consortium or consortia of universities (es-
11 tablished pursuant to section 1659 of the National
12 Defense Authorization Act for Fiscal Year 2020 (10
13 U.S.C. 391 note)) to assist the Secretary on cyberse-
14 curity matters.

15 (3) The reasons why cyber has unique pro-
16 grams apart from other science, technology, engi-
17 neering, and math programs.

18 (4) Whether the creation of the designated cen-
19 tral program office will have an estimated net sav-
20 ings for the Department.

21 (b) CONSULTATION.—In conducting the feasibility
22 study required under subsection (a), the Secretary of De-
23 fense shall consult with and solicit recommendations from
24 academic institutions and stakeholders, including primary,
25 secondary, and post-secondary educational institutions.

1 (c) DETERMINATION.—

2 (1) IN GENERAL.—Upon completion of the fea-
3 sibility study required under subsection (a), the Sec-
4 retary of Defense shall make a determination re-
5 garding the establishment within the Department of
6 Defense of a designated central program office re-
7 sponsible for each covered academic engagement
8 program across the Department.

9 (2) IMPLEMENTATION.—If the Secretary of De-
10 fense makes a determination under paragraph (1) in
11 the affirmative, the Secretary shall establish within
12 the Department of Defense a designated central pro-
13 gram office responsible for each covered academic
14 enrichment program across the Department. Not
15 later than 180 days after such a determination in
16 the affirmative, the Secretary shall promulgate such
17 rules and regulations as are necessary to so establish
18 such an office.

19 (3) NEGATIVE DETERMINATION.—If the Sec-
20 retary determines not to establish a designated cen-
21 tral program office under subsection (a), the Sec-
22 retary shall submit to Congress notice of such deter-
23 mination together with a justification for the deter-
24 mination.

1 (d) COMPREHENSIVE REPORT.—Not later than 270
2 days after the date of the enactment of this Act, the Sec-
3 retary of Defense shall submit to the congressional defense
4 committees a comprehensive report that updates the mat-
5 ters required for inclusion in the reports required pursu-
6 ant to section 1649 of the National Defense Authorization
7 Act for Fiscal Year 2020 (Public Law 116–92) and sec-
8 tion 1726(c) of the William M. (Mac) Thornberry National
9 Defense Authorization Act for Fiscal Year 2021 (Public
10 Law 116–283).

11 (e) DEFINITION.—In this section, the term “covered
12 academic engagement program” means each of the fol-
13 lowing:

14 (1) Any primary, secondary, or post-secondary
15 education program.

16 (2) Any recruitment or retention program.

17 (3) Any scholarship program.

18 (4) Any academic partnerships.

19 (5) Any general enrichment program.

20 **SEC. 1532. PROHIBITION ON CHIEF INFORMATION OFFICER**
21 **OF THE DEPARTMENT OF DEFENSE SERVING**
22 **AS PRINCIPAL CYBER ADVISOR OF THE DE-**
23 **PARTMENT.**

24 Section 932(c)(1) of the National Defense Authoriza-
25 tion Act for Fiscal Year 2014 (Public Law 113–66; 10

1 U.S.C. 2224 note) is amended by inserting after “civilian
2 officials of the Department of Defense” the following:
3 “(other than the Chief Information Officer of the Depart-
4 ment)”.

5 **SEC. 1533. AUTHORITY FOR NATIONAL CYBER DIRECTOR**
6 **TO ACCEPT DETAILS ON NONREIMBURSABLE**
7 **BASIS.**

8 Section 1752(e) of the William M. (Mac) Thornberry
9 National Defense Authorization Act for Fiscal Year 2021
10 (Public Law 116–283) is amended—

11 (1) by redesignating paragraphs (1) through
12 (8) as subparagraphs (A) through (H), respectively,
13 and indenting such subparagraphs two ems to the
14 right;

15 (2) in the matter before subparagraph (A), as
16 redesignated by paragraph (1), by striking “The Di-
17 rector may” and inserting the following:

18 “(1) IN GENERAL.—The Director may”;

19 (3) in paragraph (1)—

20 (A) as redesignated by paragraph (2), by
21 redesignating subparagraphs (C) through (H)
22 as subparagraphs (D) through (I), respectively;
23 and

24 (B) by inserting after subparagraph (B)
25 the following new subparagraph (C):

1 “(C) accept officers or employees of the
2 United States or members of the Armed Forces
3 on a detail from an element of the intelligence
4 community (as such term is defined in section
5 3(4) of the National Security Act of 1947 (50
6 U.S.C. 3003(4))) or from another element of
7 the Federal Government on a nonreimbursable
8 basis, as jointly agreed to by the heads of the
9 receiving and detailing elements, for a period
10 not to exceed three years;” and

11 (4) by adding at the end the following new
12 paragraph:

13 “(2) RULES OF CONSTRUCTION REGARDING DE-
14 TAILS.—Paragraph (1)(C) shall not be construed to
15 impose any limitation on any other authority for re-
16 imbursable or nonreimbursable details. A nonreim-
17 bursable detail made under such paragraph shall not
18 be considered an augmentation of the appropriations
19 of the receiving element of the Office of the National
20 Cyber Director.”.

1 **SEC. 1534. CYBERSENTRY PROGRAM OF THE CYBERSECU-**
2 **RITY AND INFRASTRUCTURE SECURITY**
3 **AGENCY.**

4 (a) IN GENERAL.—Title XXII of the Homeland Se-
5 curity Act of 2002 (6 U.S.C. 651 et seq.) is amended by
6 adding at the end the following new section:

7 **“SEC. 2220A. CYBERSENTRY PROGRAM.**

8 “(a) ESTABLISHMENT.—The Director shall establish
9 and maintain in the Agency a program, to be known as
10 ‘CyberSentry’, to provide continuous monitoring and de-
11 tection of cybersecurity risks to critical infrastructure en-
12 tities that own or operate industrial control systems that
13 support national critical functions, upon request and sub-
14 ject to the consent of such owner or operator.

15 “(b) ACTIVITIES.—The Director, through
16 CyberSentry, shall—

17 “(1) enter into strategic partnerships with crit-
18 ical infrastructure owners and operators that, in the
19 determination of the Director and subject to the
20 availability of resources, own or operate regionally or
21 nationally significant industrial control systems that
22 support national critical functions, in order to pro-
23 vide technical assistance in the form of continuous
24 monitoring of industrial control systems and the in-
25 formation systems that support such systems and
26 detection of cybersecurity risks to such industrial

1 control systems and other cybersecurity services, as
2 appropriate, based on and subject to the agreement
3 and consent of such owner or operator;

4 “(2) leverage sensitive or classified intelligence
5 about cybersecurity risks regarding particular sec-
6 tors, particular adversaries, and trends in tactics,
7 techniques, and procedures to advise critical infra-
8 structure owners and operators regarding mitigation
9 measures and share information as appropriate;

10 “(3) identify cybersecurity risks in the informa-
11 tion technology and information systems that sup-
12 port industrial control systems which could be ex-
13 ploited by adversaries attempting to gain access to
14 such industrial control systems, and work with own-
15 ers and operators to remediate such vulnerabilities;

16 “(4) produce aggregated, anonymized analytic
17 products, based on threat hunting and continuous
18 monitoring and detection activities and partnerships,
19 with findings and recommendations that can be dis-
20 seminated to critical infrastructure owners and oper-
21 ators; and

22 “(5) support activities authorized in accordance
23 with section 1501 of the National Defense Author-
24 ization Act for Fiscal Year 2022.

1 “(c) PRIVACY REVIEW.—Not later than 180 days
2 after the date of enactment of this Act, the Privacy Officer
3 of the Agency under section 2202(h) shall—

4 “(1) review the policies, guidelines, and activi-
5 ties of CyberSentry for compliance with all applica-
6 ble privacy laws, including such laws governing the
7 acquisition, interception, retention, use, and disclo-
8 sure of communities; and

9 “(2) submit to the Committee on Homeland Se-
10 curity of the House of Representatives and the Com-
11 mittee on Homeland Security and Governmental Af-
12 fairs of the Senate a report certifying compliance
13 with all applicable privacy laws as referred to in
14 paragraph (1), or identifying any instances of non-
15 compliance with such privacy laws.

16 “(d) REPORT TO CONGRESS.—Not later than one
17 year after the date of the enactment of this Act, the Direc-
18 tor shall provide to the Committee on Homeland Security
19 of the House of Representatives and the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate a briefing and written report on implementation of this
22 section.

23 “(e) SAVINGS.—Nothing in this section may be con-
24 strued to permit the Federal Government to gain access
25 to information of a remote computing service provider to

1 the public or an electronic service provider to the public,
2 the disclosure of which is not permitted under section
3 2702 of title 18, United States Code.

4 “(f) DEFINITIONS.—In this section:

5 “(1) CYBERSECURITY RISK.—The term ‘cyber-
6 security risk’ has the meaning given such term in
7 section 2209(a).

8 “(2) INDUSTRIAL CONTROL SYSTEM.—The term
9 ‘industrial control system’ means an information
10 system used to monitor and/or control industrial
11 processes such as manufacturing, product handling,
12 production, and distribution, including supervisory
13 control and data acquisition (SCADA) systems used
14 to monitor and/or control geographically dispersed
15 assets, distributed control systems (DCSs), Human-
16 Machine Interfaces (HMIs), and programmable logic
17 controllers that control localized processes.

18 “(3) INFORMATION SYSTEM.—The term ‘infor-
19 mation system’ has the meaning given such term in
20 section 102 of the Cybersecurity Act of 2015 (en-
21 acted as division N of the Consolidated Appropria-
22 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
23 1501(9)).”.

1 (b) RESPONSIBILITIES OF THE CISA DIRECTOR RE-
2 LATING TO INDUSTRIAL CONTROL SYSTEMS THAT SUP-
3 PORT NATIONAL CRITICAL FUNCTIONS.—

4 (1) IN GENERAL.—Subsection (c) of section
5 2202 of the Homeland Security Act of 2002 (6
6 U.S.C. 652) is amended—

7 (A) in paragraph (11), by striking “and”
8 after the semicolon;

9 (B) in the first paragraph (12) (relating to
10 appointment of a Cybersecurity State Coordi-
11 nator) by striking “as described in section
12 2215; and” and inserting “as described in sec-
13 tion 2217;”;

14 (C) by redesignating the second paragraph
15 (12) (relating to the .gov internet domain) as
16 paragraph (13);

17 (D) in such redesignated paragraph (13),
18 by striking “and” after the semicolon;

19 (E) by inserting after such redesignated
20 paragraph (13) the following new paragraph:

21 “(14) maintain voluntary partnerships with
22 critical infrastructure entities that own or operate
23 industrial control systems that support national crit-
24 ical functions, which may include, upon request and
25 subject to the consent of the owner or operator, pro-

1 viding technical assistance in the form of continuous
2 monitoring and detection of cybersecurity risks (as
3 such term is defined in section 2209(a)) in further-
4 ance of section 2220A; and”;

5 (F) by redesignating the third paragraph
6 (12) (relating to carrying out such other duties
7 and responsibilities) as paragraph (15).

8 (2) CONTINUOUS MONITORING AND DETEC-
9 TION.—Section 2209(c)(6) of the Homeland Secu-
10 rity Act of 2002 (6 U.S.C. 659) is amended by in-
11 sserting “, which may take the form of continuous
12 monitoring and detection of cybersecurity risks to
13 critical infrastructure entities that own or operate
14 industrial control systems that support national crit-
15 ical functions” after “mitigation, and remediation”.

16 (c) TITLE XXII TECHNICAL AND CLERICAL AMEND-
17 MENTS.—

18 (1) TECHNICAL AMENDMENTS.—

19 (A) HOMELAND SECURITY ACT OF 2002.—
20 Subtitle A of title XXII of the Homeland Secu-
21 rity Act of 2002 (6 U.S.C. 651 et seq.) is
22 amended—

23 (i) in the first section 2215 (6 U.S.C.
24 665; relating to the duties and authorities
25 relating to .gov internet domain), by

1 amending the section enumerator and
2 heading to read as follows:

3 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
4 **INTERNET DOMAIN.”;**

5 (ii) in the second section 2215 (6
6 U.S.C. 665b; relating to the joint cyber
7 planning office), by amending the section
8 enumerator and heading to read as follows:

9 **“SEC. 2216. JOINT CYBER PLANNING OFFICE.”;**

10 (iii) in the third section 2215 (6
11 U.S.C. 665c; relating to the Cybersecurity
12 State Coordinator), by amending the sec-
13 tion enumerator and heading to read as
14 follows:

15 **“SEC. 2217. CYBERSECURITY STATE COORDINATOR.”;**

16 (iv) in the fourth section 2215 (6
17 U.S.C. 665d; relating to Sector Risk Man-
18 agement Agencies), by amending the sec-
19 tion enumerator and heading to read as
20 follows:

21 **“SEC. 2218. SECTOR RISK MANAGEMENT AGENCIES.”;**

22 (v) in section 2216 (6 U.S.C. 665e;
23 relating to the Cybersecurity Advisory
24 Committee), by amending the section enu-
25 merator and heading to read as follows:

1 **“SEC. 2219. CYBERSECURITY ADVISORY COMMITTEE.”; and**
2 (vi) in section 2217 (6 U.S.C. 665f;
3 relating to Cybersecurity Education and
4 Training Programs), by amending the sec-
5 tion enumerator and heading to read as
6 follows:

7 **“SEC. 2220. CYBERSECURITY EDUCATION AND TRAINING**
8 **PROGRAMS.”.**

9 (B) CONSOLIDATED APPROPRIATIONS ACT,
10 2021.—Paragraph (1) of section 904(b) of divi-
11 sion U of the Consolidated Appropriations Act,
12 2021 (Public Law 116–260) is amended, in the
13 matter preceding subparagraph (A), by insert-
14 ing “of 2002” after “Homeland Security Act”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents in section 1(b) of the Homeland Security Act
17 of 2002 is amended by striking the items relating to
18 sections 2214 through 2217 and inserting the fol-
19 lowing new items:

“Sec. 2214. National Asset Database.

“Sec. 2215. Duties and authorities relating to .gov internet domain.

“Sec. 2216. Joint cyber planning office.

“Sec. 2217. Cybersecurity State Coordinator.

“Sec. 2218. Sector Risk Management Agencies.

“Sec. 2219. Cybersecurity Advisory Committee.

“Sec. 2220. Cybersecurity Education and Training Programs.

“Sec. 2220A. CyberSentry program.”.

1 **SEC. 1535. CYBER INCIDENT REVIEW OFFICE.**

2 (a) IN GENERAL.—Subtitle A of title XXII of the
3 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
4 is amended by adding at the end the following new section:

5 **“SEC. 2220A. CYBER INCIDENT REVIEW OFFICE.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) CLOUD SERVICE PROVIDER.—The term
8 ‘cloud service provider’ means an entity offering
9 products or services related to cloud computing, as
10 defined by the National Institutes of Standards and
11 Technology in NIST Special Publication 800–145
12 and any amendatory or superseding document relat-
13 ing thereto.

14 “(2) COVERED ENTITY.—The term ‘covered en-
15 tity’ means an entity that owns or operates critical
16 infrastructure that satisfies the definition estab-
17 lished by the Director in the reporting requirements
18 and procedures issued pursuant to subsection (d).

19 “(3) COVERED CYBSECURITY INCIDENT.—The
20 term ‘covered cybersecurity incident’ means a cyber-
21 security incident experienced by a covered entity
22 that satisfies the definition and criteria established
23 by the Director in the reporting requirements and
24 procedures issued pursuant to subsection (d).

25 “(4) CYBER THREAT INDICATOR.—The term
26 ‘cyber threat indicator’ has the meaning given such

1 term in section 102 of the Cybersecurity Act of 2015
2 (enacted as division N of the Consolidated Appro-
3 priations Act, 2016 (Public Law 114–113; 6 U.S.C.
4 1501)).

5 “(5) CYBERSECURITY PURPOSE.—The term ‘cy-
6 bersecurity purpose’ has the meaning given such
7 term in section 102 of the Cybersecurity Act of 2015
8 (enacted as division N of the Consolidated Appro-
9 priations Act, 2016 (Public Law 114-113; 6 U.S.C.
10 1501)).

11 “(6) CYBERSECURITY THREAT.—The term ‘cy-
12 bersecurity threat’ has the meaning given such term
13 in section 102 of the Cybersecurity Act of 2015 (en-
14 acted as division N of the Consolidated Appropria-
15 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
16 1501)).

17 “(7) DEFENSIVE MEASURE.—The term ‘defen-
18 sive measure’ has the meaning given such term in
19 section 102 of the Cybersecurity Act of 2015 (en-
20 acted as division N of the Consolidated Appropria-
21 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
22 1501)).

23 “(8) INFORMATION SHARING AND ANALYSIS OR-
24 GANIZATION.—The term ‘Information Sharing and

1 Analysis Organization’ has the meaning given such
2 term in section 2222(5).

3 “(9) INFORMATION SYSTEM.—The term ‘infor-
4 mation system’ has the meaning given such term in
5 section 102 of the Cybersecurity Act of 2015 (en-
6 acted as division N of the Consolidated Appropria-
7 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
8 1501(9)).

9 “(10) INTELLIGENCE COMMUNITY.—The term
10 ‘intelligence community’ has the meaning given the
11 term in section 3(4) of the National Security Act of
12 1947 (50 U.S.C. 3003(4)).

13 “(11) MANAGED SERVICE PROVIDER.—The
14 term ‘managed service provider’ means an entity
15 that delivers services, such as network, application,
16 infrastructure, or security services, via ongoing and
17 regular support and active administration on cus-
18 tomers’ premises, in the managed service provider’s
19 data center (such as hosting), or in a third-party
20 data center.

21 “(12) SECURITY CONTROL.—The term ‘security
22 control’ has the meaning given such term in section
23 102 of the Cybersecurity Act of 2015 (enacted as di-
24 vision N of the Consolidated Appropriations Act,
25 2016 (Public Law 114–113; 6 U.S.C. 1501)).

1 “(13) SECURITY VULNERABILITY.—The term
2 ‘security vulnerability’ has the meaning given such
3 term in section 102 of the Cybersecurity Act of 2015
4 (enacted as division N of the Consolidated Appro-
5 priations Act, 2016 (Public Law 114–113; 6 U.S.C.
6 1501)).

7 “(14) SIGNIFICANT CYBER INCIDENT.—The
8 term ‘significant cyber incident’ means a cyber inci-
9 dent, or a group of related cyber incidents, that the
10 Director determines is likely to result in demon-
11 strable harm to the national security interests, for-
12 eign relations, or economy of the United States or
13 to the public confidence, civil liberties, or public
14 health and safety of the American people.

15 “(15) SUPPLY CHAIN ATTACK.—The term ‘sup-
16 ply chain attack’ means an attack that allows an ad-
17 versary to utilize implants or other vulnerabilities in-
18 serted into information technology hardware, soft-
19 ware, operating systems, peripherals (such as infor-
20 mation technology products), or services at any point
21 during the life cycle in order to infiltrate the net-
22 works of third parties where such products, services,
23 or technologies are deployed.

24 “(b) CYBER INCIDENT REVIEW OFFICE.—There is
25 established in the Agency a Cyber Incident Review Office

1 (in this section referred to as the ‘Office’) to receive, ag-
2 gregate, and analyze reports related to covered cybersecu-
3 rity incidents submitted by covered entities in furtherance
4 of the activities specified in subsection (c) of this section
5 and sections 2202(e), 2209(c), and 2203 to enhance the
6 situational awareness of cybersecurity threats across crit-
7 ical infrastructure sectors.

8 “(c) ACTIVITIES.—The Office shall, in furtherance of
9 the activities specified in sections 2202(e), 2209(c), and
10 2203—

11 “(1) receive, aggregate, analyze, and secure re-
12 ports from covered entities related to a covered cy-
13 bersecurity incident to assess the effectiveness of se-
14 curity controls and identify tactics, techniques, and
15 procedures adversaries use to overcome such con-
16 trols;

17 “(2) facilitate the timely sharing between rel-
18 evant critical infrastructure owners and operators
19 and, as appropriate, the intelligence community of
20 information relating to covered cybersecurity inci-
21 dents, particularly with respect to an ongoing cyber-
22 security threat or security vulnerability;

23 “(3) for a covered cybersecurity incident that
24 also satisfies the definition of a significant cyber in-
25 cident, or are part of a group of related cyber inci-

1 dents that together satisfy such definition, conduct
2 a review of the details surrounding such covered cy-
3 bersecurity incident or group of such incidents and
4 identify ways to prevent or mitigate similar incidents
5 in the future;

6 “(4) with respect to covered cybersecurity inci-
7 dent reports under subsection (d) involving an ongo-
8 ing cybersecurity threat or security vulnerability, im-
9 mediately review such reports for cyber threat indi-
10 cators that can be anonymized and disseminated,
11 with defensive measures, to appropriate stake-
12 holders, in coordination with other Divisions within
13 the Agency, as appropriate;

14 “(5) publish quarterly unclassified, public re-
15 ports that describe aggregated, anonymized observa-
16 tions, findings, and recommendations based on cov-
17 ered cybersecurity incident reports under subsection
18 (d);

19 “(6) leverage information gathered regarding
20 cybersecurity incidents to enhance the quality and
21 effectiveness of bi-directional information sharing
22 and coordination efforts with appropriate stake-
23 holders, including sector coordinating councils, infor-
24 mation sharing and analysis organizations, tech-
25 nology providers, cybersecurity and incident response

1 firms, and security researchers, including by estab-
2 lishing mechanisms to receive feedback from such
3 stakeholders regarding how the Agency can most ef-
4 fectively support private sector cybersecurity; and

5 “(7) proactively identify opportunities, in ac-
6 cordance with the protections specified in sub-
7 sections (e) and (f), to leverage and utilize data on
8 cybersecurity incidents in a manner that enables and
9 strengthens cybersecurity research carried out by
10 academic institutions and other private sector orga-
11 nizations, to the greatest extent practicable.

12 “(d) COVERED CYBERSECURITY INCIDENT REPORT-
13 ING REQUIREMENTS AND PROCEDURES.—

14 “(1) IN GENERAL.—Not later than 270 days
15 after the date of the enactment of this section, the
16 Director, in consultation with Sector Risk Manage-
17 ment Agencies and the heads of other Federal de-
18 partments and agencies, as appropriate, shall, after
19 a 60 day consultative period, followed by a 90 day
20 comment period with appropriate stakeholders, in-
21 cluding sector coordinating councils, publish in the
22 Federal Register an interim final rule implementing
23 this section. Notwithstanding section 553 of title 5,
24 United States Code, such rule shall be effective, on
25 an interim basis, immediately upon publication, but

1 may be subject to change and revision after public
2 notice and opportunity for comment. The Director
3 shall issue a final rule not later than one year after
4 publication of such interim final rule. Such interim
5 final rule shall—

6 “(A) require covered entities to submit to
7 the Office reports containing information relat-
8 ing to covered cybersecurity incidents; and

9 “(B) establish procedures that clearly de-
10 scribe—

11 “(i) the types of critical infrastructure
12 entities determined to be covered entities;

13 “(ii) the types of cybersecurity inci-
14 dents determined to be covered cybersecu-
15 rity incidents;

16 “(iii) the mechanisms by which cov-
17 ered cybersecurity incident reports under
18 subparagraph (A) are to be submitted, in-
19 cluding—

20 “(I) the contents, described in
21 paragraph (4), to be included in each
22 such report, including any supple-
23 mental reporting requirements;

1 “(II) the timing relating to when
2 each such report should be submitted;
3 and

4 “(III) the format of each such re-
5 port;

6 “(iv) describe the manner in which
7 the Office will carry out enforcement ac-
8 tions under subsection (g), including with
9 respect to the issuance of subpoenas, con-
10 ducting examinations, and other aspects
11 relating to noncompliance; and

12 “(v) any other responsibilities to be
13 carried out by covered entities, or other
14 procedures necessary to implement this
15 section.

16 “(2) COVERED ENTITIES.—In determining
17 which types of critical infrastructure entities are cov-
18 ered entities for purposes of this section, the Sec-
19 retary, acting through the Director, in consultation
20 with Sector Risk Management Agencies and the
21 heads of other Federal departments and agencies, as
22 appropriate, shall consider—

23 “(A) the consequences that disruption to
24 or compromise of such an entity could cause to

1 national security, economic security, or public
2 health and safety;

3 “(B) the likelihood that such an entity
4 may be targeted by a malicious cyber actor, in-
5 cluding a foreign country;

6 “(C) the extent to which damage, disrup-
7 tion, or unauthorized access to such an entity
8 will disrupt the reliable operation of other crit-
9 ical infrastructure assets; and

10 “(D) the extent to which an entity or sec-
11 tor is subject to existing regulatory require-
12 ments to report cybersecurity incidents, and the
13 possibility of coordination and sharing of re-
14 ports between the Office and the regulatory au-
15 thority to which such entity submits such other
16 reports.

17 “(3) OUTREACH TO COVERED ENTITIES.—

18 “(A) IN GENERAL.—The Director shall
19 conduct an outreach and education campaign to
20 inform covered entities of the requirements of
21 this section.

22 “(B) ELEMENTS.—The outreach and edu-
23 cation campaign under subparagraph (A) shall
24 include the following:

1 “(i) Overview of the interim final rule
2 and final rule issued pursuant to this sec-
3 tion.

4 “(ii) Overview of reporting require-
5 ments and procedures issued pursuant to
6 paragraph (1).

7 “(iii) Overview of mechanisms to sub-
8 mit to the Office covered cybersecurity in-
9 cident reports and information relating to
10 the disclosure, retention, and use of inci-
11 dent reports under this section.

12 “(iv) Overview of the protections af-
13 forded to covered entities for complying
14 with requirements under subsection (f).

15 “(v) Overview of the steps taken
16 under subsection (g) when a covered entity
17 is not in compliance with the reporting re-
18 quirements under paragraph (1).

19 “(C) COORDINATION.—The Director may
20 conduct the outreach and education campaign
21 under subparagraph (A) through coordination
22 with the following:

23 “(i) The Critical Infrastructure Part-
24 nership Advisory Council established pur-
25 suant to section 871.

1 “(ii) Information Sharing and Anal-
2 ysis Organizations.

3 “(iii) Any other means the Director
4 determines to be effective to conduct such
5 campaign.

6 “(4) COVERED CYBERSECURITY INCIDENTS.—

7 “(A) CONSIDERATIONS.—In accordance
8 with subparagraph (B), in determining which
9 types of incidents are covered cybersecurity in-
10 cidents for purposes of this section, the Direc-
11 tor shall consider—

12 “(i) the sophistication or novelty of
13 the tactics used to perpetrate such an inci-
14 dent, as well as the type, volume, and sen-
15 sitivity of the data at issue;

16 “(ii) the number of individuals di-
17 rectly or indirectly affected or potentially
18 affected by such an incident; and

19 “(iii) potential impacts on industrial
20 control systems, such as supervisory con-
21 trol and data acquisition systems, distrib-
22 uted control systems, and programmable
23 logic controllers.

24 “(B) MINIMUM THRESHOLDS.—For a cy-
25 bersecurity incident to be considered a covered

1 cybersecurity incident a cybersecurity incident
2 shall, at a minimum, include at least one of the
3 following:

4 “(i) Unauthorized access to an infor-
5 mation system or network that leads to
6 loss of confidentiality, integrity, or avail-
7 ability of such information system or net-
8 work, or has a serious impact on the safety
9 and resiliency of operational systems and
10 processes.

11 “(ii) Disruption of business or indus-
12 trial operations due to a denial of service
13 attack, a ransomware attack, or exploi-
14 tation of a zero-day vulnerability,
15 against—

16 “(I) an information system or
17 network; or

18 “(II) an operational technology
19 system or process.

20 “(iii) Unauthorized access or disrup-
21 tion of business or industrial operations
22 due to loss of service facilitated through,
23 or caused by a compromise of, a cloud
24 service provider, managed service provider,

1 other third-party data hosting provider, or
2 supply chain attack.

3 “(5) REPORTS.—

4 “(A) TIMING.—

5 “(i) IN GENERAL.—The Director, in
6 consultation with Sector Risk Management
7 Agencies and the heads of other Federal
8 departments and agencies, as appropriate,
9 shall establish reporting timelines for cov-
10 ered entities to submit promptly to the Of-
11 fice covered cybersecurity incident reports,
12 as the Director determines reasonable and
13 appropriate based on relevant factors, such
14 as the nature, severity, and complexity of
15 the covered cybersecurity incident at issue
16 and the time required for investigation, but
17 in no case may the Director require report-
18 ing by a covered entity earlier than 72
19 hours after confirmation that a covered cy-
20 bersecurity incident has occurred.

21 “(ii) CONSIDERATIONS.—In deter-
22 mining reporting timelines under clause
23 (i), the Director shall—

24 “(I) consider any existing regu-
25 latory reporting requirements, similar

1 in scope purpose, and timing to the
2 reporting requirements under this sec-
3 tion, to which a covered entity may
4 also be subject, and make efforts to
5 harmonize the timing and contents of
6 any such reports to the maximum ex-
7 tent practicable; and

8 “(II) balance the Agency’s need
9 for situational awareness with a cov-
10 ered entity’s ability to conduct inci-
11 dent response and investigations.

12 “(B) THIRD PARTY REPORTING.—

13 “(i) IN GENERAL.—A covered entity
14 may submit a covered cybersecurity inci-
15 dent report through a third party entity or
16 Information Sharing and Analysis Organi-
17 zation.

18 “(ii) DUTY TO ENSURE COMPLI-
19 ANCE.—Third party reporting under this
20 subparagraph does not relieve a covered
21 entity of the duty to ensure compliance
22 with the requirements of this paragraph.

23 “(C) SUPPLEMENTAL REPORTING.—A cov-
24 ered entity shall submit promptly to the Office,
25 until such date that such covered entity notifies

1 the Office that the cybersecurity incident inves-
2 tigation at issue has concluded and the associ-
3 ated covered cybersecurity incident has been
4 fully mitigated and resolved, periodic updates or
5 supplements to a previously submitted covered
6 cybersecurity incident report if new or different
7 information becomes available that would other-
8 wise have been required to have been included
9 in such previously submitted report. In deter-
10 mining reporting timelines, the Director may
11 choose to establish a flexible, phased reporting
12 timeline for covered entities to report informa-
13 tion in a manner that aligns with investigative
14 timelines and allows covered entities to
15 prioritize incident response efforts over compli-
16 ance.

17 “(D) CONTENTS.—Covered cybersecurity
18 incident reports submitted pursuant to this sec-
19 tion shall contain such information as the Di-
20 rector prescribes, including the following infor-
21 mation, to the extent applicable and available,
22 with respect to a covered cybersecurity incident:

23 “(i) A description of the covered cy-
24 bersecurity incident, including identifica-
25 tion of the affected information systems,

1 networks, or devices that were, or are rea-
2 sonably believed to have been, affected by
3 such incident, and the estimated date
4 range of such incident.

5 “(ii) Where applicable, a description
6 of the vulnerabilities exploited and the se-
7 curity defenses that were in place, as well
8 as the tactics, techniques, and procedures
9 relevant to such incident.

10 “(iii) Where applicable, any identi-
11 fying information related to the actor rea-
12 sonably believed to be responsible for such
13 incident.

14 “(iv) Where applicable, identification
15 of the category or categories of information
16 that was, or is reasonably believed to have
17 been, accessed or acquired by an unauthor-
18 ized person.

19 “(v) Contact information, such as
20 telephone number or electronic mail ad-
21 dress, that the Office may use to contact
22 the covered entity or, where applicable, an
23 authorized agent of such covered entity, or,
24 where applicable, the service provider, act-
25 ing with the express permission, and at the

1 direction, of such covered entity, to assist
2 with compliance with the requirements of
3 this section.

4 “(6) RESPONSIBILITIES OF COVERED ENTI-
5 TIES.—Covered entities that experience a covered cy-
6 bersecurity incident shall coordinate with the Office
7 to the extent necessary to comply with this section,
8 and, to the extent practicable, cooperate with the Of-
9 fice in a manner that supports enhancing the Agen-
10 cy’s situational awareness of cybersecurity threats
11 across critical infrastructure sectors.

12 “(7) HARMONIZING REPORTING REQUIRE-
13 MENTS.—In establishing the reporting requirements
14 and procedures under paragraph (1), the Director
15 shall, to the maximum extent practicable—

16 “(A) review existing regulatory require-
17 ments, including the information required in
18 such reports, to report cybersecurity incidents
19 that may apply to covered entities, and ensure
20 that any such reporting requirements and pro-
21 cedures avoid conflicting, duplicative, or bur-
22 densome requirements; and

23 “(B) coordinate with other regulatory au-
24 thorities that receive reports relating to cyberse-
25 curity incidents to identify opportunities to

1 streamline reporting processes, and where fea-
2 sible, enter into agreements with such authori-
3 ties to permit the sharing of such reports with
4 the Office, consistent with applicable law and
5 policy, without impacting the Office’s ability to
6 gain timely situational awareness of a covered
7 cybersecurity incident or significant cyber inci-
8 dent.

9 “(e) DISCLOSURE, RETENTION, AND USE OF INCI-
10 DENT REPORTS.—

11 “(1) AUTHORIZED ACTIVITIES.—No informa-
12 tion provided to the Office in accordance with sub-
13 sections (d) or (h) may be disclosed to, retained by,
14 or used by any Federal department or agency, or
15 any component, officer, employee, or agent of the
16 Federal Government, except if the Director deter-
17 mines such disclosure, retention, or use is necessary
18 for—

19 “(A) a cybersecurity purpose;

20 “(B) the purpose of identifying—

21 “(i) a cybersecurity threat, including
22 the source of such threat; or

23 “(ii) a security vulnerability;

1 “(C) the purpose of responding to, or oth-
2 erwise preventing, or mitigating a specific
3 threat of—

4 “(i) death;

5 “(ii) serious bodily harm; or

6 “(iii) serious economic harm, includ-
7 ing a terrorist act or a use of a weapon of
8 mass destruction;

9 “(D) the purpose of responding to, inves-
10 tigating, prosecuting, or otherwise preventing or
11 mitigating a serious threat to a minor, includ-
12 ing sexual exploitation or threats to physical
13 safety; or

14 “(E) the purpose of preventing, inves-
15 tigating, disrupting, or prosecuting an offense
16 related to a threat—

17 “(i) described in subparagraphs (B)
18 through (D); or

19 “(ii) specified in section
20 105(d)(5)(A)(v) of the Cybersecurity Act
21 of 2015 (enacted as division N of the Con-
22 solidated Appropriations Act, 2016 (Public
23 Law 114–113; 6 U.S.C.
24 1504(d)(5)(A)(v))).

25 “(2) EXCEPTIONS.—

1 “(A) RAPID, CONFIDENTIAL, BI-DIREC-
2 TIONAL SHARING OF CYBER THREAT INDICA-
3 TORS.—Upon receiving a covered cybersecurity
4 incident report submitted pursuant to this sec-
5 tion, the Office shall immediately review such
6 report to determine whether the incident that is
7 the subject of such report is connected to an
8 ongoing cybersecurity threat or security vulner-
9 ability and where applicable, use such report to
10 identify, develop, and rapidly disseminate to ap-
11 propriate stakeholders actionable, anonymized
12 cyber threat indicators and defensive measures.

13 “(B) PRINCIPLES FOR SHARING SECURITY
14 VULNERABILITIES.—With respect to informa-
15 tion in a covered cybersecurity incident report
16 regarding a security vulnerability referred to in
17 paragraph (1)(B)(ii), the Director shall develop
18 principles that govern the timing and manner in
19 which information relating to security
20 vulnerabilities may be shared, consistent with
21 common industry best practices and United
22 States and international standards.

23 “(3) PRIVACY AND CIVIL LIBERTIES.—Informa-
24 tion contained in reports submitted to the Office
25 pursuant to subsections (d) and (h) shall be re-

1 tained, used, and disseminated, where permissible
2 and appropriate, by the Federal Government in a
3 manner consistent with processes for the protection
4 of personal information adopted pursuant to section
5 105 of the Cybersecurity Act of 2015 (enacted as di-
6 vision N of the Consolidated Appropriations Act,
7 2016 (Public Law 114–113; 6 U.S.C. 1504)).

8 “(4) PROHIBITION ON USE OF INFORMATION IN
9 REGULATORY ACTIONS.—

10 “(A) IN GENERAL.—Information contained
11 in reports submitted to the Office pursuant to
12 subsections (d) and (h) may not be used by any
13 Federal, State, Tribal, or local government to
14 regulate, including through an enforcement ac-
15 tion, the lawful activities of any non-Federal en-
16 tity.

17 “(B) EXCEPTION.—A report submitted to
18 the Agency pursuant to subsection (d) or (h)
19 may, consistent with Federal or State regu-
20 latory authority specifically relating to the pre-
21 vention and mitigation of cybersecurity threats
22 to information systems, inform the development
23 or implementation of regulations relating to
24 such systems.

1 “(f) PROTECTIONS FOR REPORTING ENTITIES AND
2 INFORMATION.—Reports describing covered cybersecurity
3 incidents submitted to the Office by covered entities in ac-
4 cordance with subsection (d), as well as voluntarily-sub-
5 mitted cybersecurity incident reports submitted to the Of-
6 fice pursuant to subsection (h), shall be—

7 “(1) entitled to the protections against liability
8 described in section 106 of the Cybersecurity Act of
9 2015 (enacted as division N of the Consolidated Ap-
10 propriations Act, 2016 (Public Law 114–113; 6
11 U.S.C. 1505));

12 “(2) exempt from disclosure under section 552
13 of title 5, United States Code, as well as any provi-
14 sion of State, Tribal, or local freedom of information
15 law, open government law, open meetings law, open
16 records law, sunshine law, or similar law requiring
17 disclosure of information or records; and

18 “(3) considered the commercial, financial, and
19 proprietary information of the covered entity when
20 so designated by the covered entity.

21 “(g) NONCOMPLIANCE WITH REQUIRED REPORT-
22 ING.—

23 “(1) PURPOSE.—In the event a covered entity
24 experiences a cybersecurity incident but does not
25 comply with the reporting requirements under this

1 section, the Director may obtain information about
2 such incident by engaging directly such covered enti-
3 ty in accordance with paragraph (2) to request in-
4 formation about such incident, or, if the Director is
5 unable to obtain such information through such en-
6 gagement, by issuing a subpoena to such covered en-
7 tity, subject to paragraph (3), to gather information
8 sufficient to determine whether such incident is a
9 covered cybersecurity incident, and if so, whether ad-
10 ditional action is warranted pursuant to paragraph
11 (4).

12 “(2) INITIAL REQUEST FOR INFORMATION.—

13 “(A) IN GENERAL.—If the Director has
14 reason to believe, whether through public re-
15 porting, intelligence gathering, or other infor-
16 mation in the Federal Government’s possession,
17 that a covered entity has experienced a cyberse-
18 curity incident that may be a covered cyberse-
19 curity incident but did not submit pursuant to
20 subsection (d) to the Office a covered cyberse-
21 curity incident report relating thereto, the Di-
22 rector may request information from such cov-
23 ered entity to confirm whether the cybersecurity
24 incident at issue is a covered cybersecurity inci-
25 dent, and determine whether further examina-

1 tion into the details surrounding such incident
2 are warranted pursuant to paragraph (4).

3 “(B) TREATMENT.—Information provided
4 to the Office in response to a request under
5 subparagraph (A) shall be treated as if such in-
6 formation was submitted pursuant to the re-
7 porting procedures established in accordance
8 with subsection (d).

9 “(3) AUTHORITY TO ISSUE SUBPOENAS.—

10 “(A) IN GENERAL.—If, after the date that
11 is seven days from the date on which the Direc-
12 tor made a request for information in para-
13 graph (2), the Director has received no re-
14 sponse from the entity from which such infor-
15 mation was requested, or received an inad-
16 equate response, the Director may issue to such
17 entity a subpoena to compel disclosure of infor-
18 mation the Director considers necessary to de-
19 termine whether a covered cybersecurity inci-
20 dent has occurred and assess potential impacts
21 to national security, economic security, or pub-
22 lic health and safety, determine whether further
23 examination into the details surrounding such
24 incident are warranted pursuant to paragraph
25 (4), and if so, compel disclosure of such infor-

1 mation as is necessary to carry out activities
2 described in subsection (c).

3 “(B) CIVIL ACTION.—If a covered entity
4 does not comply with a subpoena, the Director
5 may bring a civil action in a district court of
6 the United States to enforce such subpoena. An
7 action under this paragraph may be brought in
8 the judicial district in which the entity against
9 which the action is brought resides, is found, or
10 does business. The court may punish a failure
11 to obey an order of the court to comply with the
12 subpoena as a contempt of court.

13 “(C) NON-APPLICABILITY OF PROTEC-
14 TIONS.—The protections described in subsection
15 (f) do not apply to a covered entity that is the
16 recipient of a subpoena under this paragraph
17 (3).

18 “(4) ADDITIONAL ACTIONS.—

19 “(A) EXAMINATION.—If, based on the in-
20 formation provided in response to a subpoena
21 issued pursuant to paragraph (3), the Director
22 determines that the cybersecurity incident at
23 issue is a significant cyber incident, or is part
24 of a group of related cybersecurity incidents
25 that together satisfy the definition of a signifi-

1 cant cyber incident, and a more thorough exam-
2 ination of the details surrounding such incident
3 is warranted in order to carry out activities de-
4 scribed in subsection (c), the Director may di-
5 rect the Office to conduct an examination of
6 such incident in order to enhance the Agency’s
7 situational awareness of cybersecurity threats
8 across critical infrastructure sectors, in a man-
9 ner consistent with privacy and civil liberties
10 protections under applicable law.

11 “(B) PROVISION OF CERTAIN INFORMA-
12 TION TO ATTORNEY GENERAL.—Notwith-
13 standing subsection (e)(4) and paragraph
14 (2)(B), if the Director determines, based on the
15 information provided in response to a subpoena
16 issued pursuant to paragraph (3) or identified
17 in the course of an examination under subpara-
18 graph (A), that the facts relating to the cyber-
19 security incident at issue may constitute
20 grounds for a regulatory enforcement action or
21 criminal prosecution, the Director may provide
22 such information to the Attorney General or the
23 appropriate regulator, who may use such infor-
24 mation for a regulatory enforcement action or
25 criminal prosecution.

1 “(h) VOLUNTARY REPORTING OF CYBER INCI-
2 DENTS.—The Agency shall receive cybersecurity incident
3 reports submitted voluntarily by entities that are not cov-
4 ered entities, or concerning cybersecurity incidents that do
5 not satisfy the definition of covered cybersecurity incidents
6 but may nevertheless enhance the Agency’s situational
7 awareness of cybersecurity threats across critical infra-
8 structure sectors. The protections under this section appli-
9 cable to covered cybersecurity incident reports shall apply
10 in the same manner and to the same extent to voluntarily-
11 submitted cybersecurity incident reports under this sub-
12 section.

13 “(i) NOTIFICATION TO IMPACTED COVERED ENTI-
14 TIES.—If the Director receives information regarding a
15 cybersecurity incident impacting a Federal agency relating
16 to unauthorized access to data provided to such Federal
17 agency by a covered entity, and with respect to which such
18 incident is likely to undermine the security of such covered
19 entity or cause operational or reputational damage to such
20 covered entity, the Director shall, to the extent prac-
21 ticable, notify such covered entity and provide to such cov-
22 ered entity such information regarding such incident as
23 is necessary to enable such covered entity to address any
24 such security risk or operational or reputational damage
25 arising from such incident.

1 “(j) EXEMPTION.—Subchapter I of chapter 35 of
2 title 44, United States Code, does not apply to any action
3 to carry out this section.

4 “(k) SAVING PROVISION.—Nothing in this section
5 may be construed as modifying, superseding, or otherwise
6 affecting in any manner any regulatory authority held by
7 a Federal department or agency, including Sector Risk
8 Management Agencies, existing on the day before the date
9 of the enactment of this section, or any existing regulatory
10 requirements or obligations that apply to covered enti-
11 ties.”.

12 (b) REPORTS.—

13 (1) ON STAKEHOLDER ENGAGEMENT.—Not
14 later than 30 days before the date on which that the
15 Director of the Cybersecurity and Infrastructure Se-
16 curity Agency of the Department of Homeland Secu-
17 rity intends to issue an interim final rule under sub-
18 section (d)(1) of section 2220A of the Homeland Se-
19 curity Act of 2002 (as added by subsection (a)), the
20 Director shall submit to the Committee on Home-
21 land Security of the House of Representatives and
22 the Committee on Homeland Security and Govern-
23 mental Affairs of the Senate a report that describes
24 how the Director engaged stakeholders in the devel-
25 opment of such interim final rules.

1 (2) ON OPPORTUNITIES TO STRENGTHEN CY-
2 BERSECURITY RESEARCH.—Not later than one year
3 after the date of the enactment of this Act, the Di-
4 rector of the Cybersecurity and Infrastructure Secu-
5 rity Agency of the Department of Homeland Secu-
6 rity shall submit to the Committee on Homeland Se-
7 curity of the House of Representatives and the Com-
8 mittee on Homeland Security and Governmental Af-
9 fairs of the Senate a report describing how the
10 Cyber Incident Review Office of the Department of
11 Homeland Security (established pursuant to section
12 2220A of the Homeland Security Act of 2002, as
13 added by subsection (a)) has carried out activities
14 under subsection (c)(6) of such section 2220A by
15 proactively identifying opportunities to use cyberse-
16 curity incident data to inform and enable cybersecu-
17 rity research carried out by academic institutions
18 and other private sector organizations.

19 (c) TITLE XXII TECHNICAL AND CLERICAL AMEND-
20 MENTS.—

21 (1) TECHNICAL AMENDMENTS.—

22 (A) HOMELAND SECURITY ACT OF 2002.—
23 Subtitle A of title XXII of the Homeland Secu-
24 rity Act of 2002 (6 U.S.C. 651 et seq.) is
25 amended—

- 1 (i) in section 2202 (6 U.S.C. 652)—
2 (I) in paragraph (11), by striking
3 “and” after the semicolon;
4 (II) in the first paragraph (12)
5 (relating to appointment of a Cyberse-
6 curity State Coordinator) by striking
7 “as described in section 2215; and”
8 and inserting “as described in section
9 2217;”;
- 10 (III) by redesignating the second
11 paragraph (12) (relating to the .gov
12 internet domain) as paragraph (13);
13 and
- 14 (IV) by redesignating the third
15 paragraph (12) (relating to carrying
16 out such other duties and responsibil-
17 ities) as paragraph (14);
- 18 (ii) in the first section 2215 (6 U.S.C.
19 665; relating to the duties and authorities
20 relating to .gov internet domain), by
21 amending the section enumerator and
22 heading to read as follows:

1 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
2 **INTERNET DOMAIN.”;**

3 (iii) in the second section 2215 (6
4 U.S.C. 665b; relating to the joint cyber
5 planning office), by amending the section
6 enumerator and heading to read as follows:

7 **“SEC. 2216. JOINT CYBER PLANNING OFFICE.”;**

8 (iv) in the third section 2215 (6
9 U.S.C. 665c; relating to the Cybersecurity
10 State Coordinator), by amending the sec-
11 tion enumerator and heading to read as
12 follows:

13 **“SEC. 2217. CYBERSECURITY STATE COORDINATOR.”;**

14 (v) in the fourth section 2215 (6
15 U.S.C. 665d; relating to Sector Risk Man-
16 agement Agencies), by amending the sec-
17 tion enumerator and heading to read as
18 follows:

19 **“SEC. 2218. SECTOR RISK MANAGEMENT AGENCIES.”;**

20 (vi) in section 2216 (6 U.S.C. 665e;
21 relating to the Cybersecurity Advisory
22 Committee), by amending the section enu-
23 merator and heading to read as follows:

24 **“SEC. 2219. CYBERSECURITY ADVISORY COMMITTEE.”; and**

25 (vii) in section 2217 (6 U.S.C. 665f;
26 relating to Cybersecurity Education and

1 Training Programs), by amending the sec-
2 tion enumerator and heading to read as
3 follows:

4 **“SEC. 2220. CYBERSECURITY EDUCATION AND TRAINING**
5 **PROGRAMS.”**

6 (B) CONSOLIDATED APPROPRIATIONS ACT,
7 2021.—Paragraph (1) of section 904(b) of divi-
8 sion U of the Consolidated Appropriations Act,
9 2021 (Public Law 116–260) is amended, in the
10 matter preceding subparagraph (A), by insert-
11 ing “of 2002” after “Homeland Security Act”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents in section 1(b) of the Homeland Security Act
14 of 2002 is amended by striking the items relating to
15 sections 2214 through 2217 and inserting the fol-
16 lowing new items:

“Sec. 2214. National Asset Database.

“Sec. 2215. Duties and authorities relating to .gov internet domain.

“Sec. 2216. Joint cyber planning office.

“Sec. 2217. Cybersecurity State Coordinator.

“Sec. 2218. Sector Risk Management Agencies.

“Sec. 2219. Cybersecurity Advisory Committee.

“Sec. 2220. Cybersecurity Education and Training Programs.

“Sec. 2220A. Cyber Incident Review Office.”.

17 **SEC. 1536. CISA DIRECTOR APPOINTMENT AND TERM.**

18 Subsection (b) of section 2202 of the Homeland Se-
19 curity Act of 2002 (6 U.S.C. 652) is amended—

20 (1) in paragraph (1), by adding at the end the
21 following new sentence: “The Director shall be ap-

1 pointed by the President, by and with the advice and
2 consent of the Senate.”;

3 (2) by redesignating paragraphs (2) and (3) as
4 paragraphs (3) and (4), respectively; and

5 (3) by inserting after paragraph (1) the fol-
6 lowing new paragraph:

7 “(2) **TERM.**—Effective with respect to an indi-
8 vidual appointed pursuant to paragraph (1) after the
9 date of the enactment of this paragraph, the term
10 of office of such an individual so appointed shall be
11 five years. The term of office of the individual serv-
12 ing as the Director on the day before the date of the
13 enactment of this paragraph shall be five years be-
14 ginning from the date on which such Director began
15 serving.”.

16 **SEC. 1537. UNITED STATES-ISRAEL CYBERSECURITY CO-**
17 **OPERATION.**

18 (a) **GRANT PROGRAM.**—

19 (1) **ESTABLISHMENT.**—The Secretary, in ac-
20 cordance with the agreement entitled the “Agree-
21 ment between the Government of the United States
22 of America and the Government of the State of
23 Israel on Cooperation in Science and Technology for
24 Homeland Security Matters”, dated May 29, 2008
25 (or successor agreement), and the requirements

1 specified in paragraph (2), shall establish a grant
2 program at the Department to support—

3 (A) cybersecurity research and develop-
4 ment; and

5 (B) demonstration and commercialization
6 of cybersecurity technology.

7 (2) REQUIREMENTS.—

8 (A) APPLICABILITY.—Notwithstanding any
9 other provision of law, in carrying out a re-
10 search, development, demonstration, or com-
11 mercial application program or activity that is
12 authorized under this section, the Secretary
13 shall require cost sharing in accordance with
14 this paragraph.

15 (B) RESEARCH AND DEVELOPMENT.—

16 (i) IN GENERAL.—Except as provided
17 in clause (ii), the Secretary shall require
18 not less than 50 percent of the cost of a
19 research, development, demonstration, or
20 commercial application program or activity
21 described in subparagraph (A) to be pro-
22 vided by a non-Federal source.

23 (ii) REDUCTION.—The Secretary may
24 reduce or eliminate, on a case-by-case
25 basis, the percentage requirement specified

1 in clause (i) if the Secretary determines
2 that such reduction or elimination is nec-
3 essary and appropriate.

4 (C) MERIT REVIEW.—In carrying out a re-
5 search, development, demonstration, or com-
6 mercial application program or activity that is
7 authorized under this section, awards shall be
8 made only after an impartial review of the sci-
9 entific and technical merit of the proposals for
10 such awards has been carried out by or for the
11 Department.

12 (D) REVIEW PROCESSES.—In carrying out
13 a review under subparagraph (C), the Secretary
14 may use merit review processes developed under
15 section 302(14) of the Homeland Security Act
16 of 2002 (6 U.S.C. 182(14)).

17 (3) ELIGIBLE APPLICANTS.—An applicant shall
18 be eligible to receive a grant under this subsection
19 if the project of such applicant—

20 (A) addresses a requirement in the area of
21 cybersecurity research or cybersecurity tech-
22 nology, as determined by the Secretary; and

23 (B) is a joint venture between—

24 (i)(I) a for-profit business entity, aca-
25 demic institution, National Laboratory (as

1 such term is defined in section 2 of the
2 Energy Policy Act of 2005 (42 U.S.C.
3 15801)), or nonprofit entity in the United
4 States; and

5 (II) a for-profit business entity, aca-
6 demic institution, or nonprofit entity in
7 Israel; or

8 (ii)(I) the Federal Government; and

9 (II) the Government of Israel.

10 (4) APPLICATIONS.—To be eligible to receive a
11 grant under this subsection, an applicant shall sub-
12 mit to the Secretary an application for such grant
13 in accordance with procedures established by the
14 Secretary, in consultation with the advisory board
15 established under paragraph (5).

16 (5) ADVISORY BOARD.—

17 (A) ESTABLISHMENT.—The Secretary
18 shall establish an advisory board to—

19 (i) monitor the method by which
20 grants are awarded under this subsection;
21 and

22 (ii) provide to the Secretary periodic
23 performance reviews of actions taken to
24 carry out this subsection.

1 (B) COMPOSITION.—The advisory board
2 established under subparagraph (A) shall be
3 composed of three members, to be appointed by
4 the Secretary, of whom—

5 (i) one shall be a representative of the
6 Federal Government;

7 (ii) one shall be selected from a list of
8 nominees provided by the United States-
9 Israel Binational Science Foundation; and

10 (iii) one shall be selected from a list
11 of nominees provided by the United States-
12 Israel Binational Industrial Research and
13 Development Foundation.

14 (6) CONTRIBUTED FUNDS.—Notwithstanding
15 any other provision of law, the Secretary may accept
16 or retain funds contributed by any person, govern-
17 ment entity, or organization for purposes of carrying
18 out this subsection. Such funds shall be available,
19 subject to appropriation, without fiscal year limita-
20 tion.

21 (7) REPORT.—Not later than 180 days after
22 the date of completion of a project for which a grant
23 is provided under this subsection, the grant recipient
24 shall submit to the Secretary a report that con-
25 tains—

1 (A) a description of how the grant funds
2 were used by the recipient; and

3 (B) an evaluation of the level of success of
4 each project funded by the grant.

5 (8) CLASSIFICATION.—Grants shall be awarded
6 under this subsection only for projects that are con-
7 sidered to be unclassified by both the United States
8 and Israel.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section not
11 less than \$6,000,000 for each of fiscal years 2022 through
12 2026.

13 (c) DEFINITIONS.—In this section—

14 (1) the term “cybersecurity research” means re-
15 search, including social science research, into ways
16 to identify, protect against, detect, respond to, and
17 recover from cybersecurity threats;

18 (2) the term “cybersecurity technology” means
19 technology intended to identify, protect against, de-
20 tect, respond to, and recover from cybersecurity
21 threats;

22 (3) the term “cybersecurity threat” has the
23 meaning given such term in section 102 of the Cy-
24 bersecurity Information Sharing Act of 2015 (6
25 U.S.C. 1501; enacted as title I of the Cybersecurity

1 Act of 2015 (division N of the Consolidated Appro-
2 priations Act, 2016 (Public Law 114–113));

3 (4) the term “Department” means the Depart-
4 ment of Homeland Security; and

5 (5) the term “Secretary” means the Secretary
6 of Homeland Security.

7 **SEC. 1538. CYBER INCIDENT RESPONSE PLAN.**

8 Subsection (c) of section 2210 of the Homeland Secu-
9 rity Act of 2002 (6 U.S.C. 660) is amended—

10 (1) by striking “regularly update” and inserting
11 “update not less often than biennially”; and

12 (2) by adding at the end the following new sen-
13 tence: “The Director, in consultation with relevant
14 Sector Risk Management Agencies and the National
15 Cyber Director, shall develop mechanisms to engage
16 with stakeholders to educate such stakeholders re-
17 garding Federal Government cybersecurity roles and
18 responsibilities for cyber incident response.”.

19 **SEC. 1539. REPORT ON PLAN TO FULLY FUND THE INFOR-**
20 **MATION SYSTEMS SECURITY PROGRAM AND**
21 **NEXT GENERATION ENCRYPTION.**

22 (a) REPORT.—Not later than one year after the date
23 of the enactment of this Act, the Secretary of Defense
24 shall submit to the appropriate congressional committees
25 a report on the resources necessary to fully fund the Infor-

1 mation Systems Security Program during the period cov-
2 ered by the most recent future-years defense program sub-
3 mitted under section 221 of title 10, United States Code—

4 (1) to address the cybersecurity requirements of
5 the Department of Defense; and

6 (2) for the adoption of next generation
7 encryption into existing and future systems.

8 (b) MATTERS INCLUDED.—The report under sub-
9 section (a) shall include the following:

10 (1) An assessment by the Chief Information Of-
11 ficer of the Department of Defense, in coordination
12 with the chiefs of the Armed Forces and in consulta-
13 tion with the Director of the National Security
14 Agency, of the additional resources required to fund
15 the Information Systems Security Program at a level
16 that satisfies current and anticipated cybersecurity
17 requirements of the Department.

18 (2) An identification of any existing funding not
19 currently aligned to the Program that is more ap-
20 propriately funded through the Program.

21 (3) A strategic plan, developed in coordination
22 with the chiefs of the Armed Forces and in consulta-
23 tion with the Director of the National Security
24 Agency, that provides options, timelines and re-
25 quired funding, by Armed Force or component of

1 the Department, for the adoption of next generation
2 encryption into existing and future systems.

3 (c) FORM.—The report under subsection (a) may be
4 submitted in classified form.

5 (d) BRIEFING.—Not later than 30 days after the date
6 on which the Secretary submits the report under sub-
7 section (a), the Chief Information Officer of the Depart-
8 ment and the Director of the National Security Agency
9 shall jointly provide to the appropriate congressional com-
10 mittees a briefing on the report.

11 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

14 (1) the Committee on Armed Services, the
15 Committee on Appropriations, and the Permanent
16 Select Committee on Intelligence of the House of
17 Representatives; and

18 (2) the Committee on Armed Services, the
19 Committee on Appropriations, and the Select Com-
20 mittee on Intelligence of the Senate.

21 **SEC. 1540. ASSESSMENT OF CONTROLLED UNCLASSIFIED**
22 **INFORMATION PROGRAM.**

23 Subsection (b) of section 1648 of the National De-
24 fense Authorization Act for Fiscal Year 2020 (Public Law

1 116–92), is amended by amending paragraph (4) to read
2 as follows:

3 “(4) Definitions for ‘Controlled Unclassified In-
4 formation’ (CUI) and ‘For Official Use Only’
5 (FOUO), policies regarding protecting information
6 designated as either of such, and an assessment of
7 the ‘DoD CUI Program’ and Department of Defense
8 compliance with the responsibilities specified in De-
9 partment of Defense Instruction (DoDI) 5200.48,
10 ‘Controlled Unclassified Information (CUI),’ includ-
11 ing the following:

12 “(A) The extent to which the Department
13 of Defense is identifying whether information is
14 CUI via a contracting vehicle and marking doc-
15 uments, material, or media containing such in-
16 formation in a clear and consistent manner.

17 “(B) Recommended regulatory or policy
18 changes to ensure consistency and clarity in
19 CUI identification and marking requirements.

20 “(C) Circumstances under which commer-
21 cial information is considered CUI, and any im-
22 pacts to the commercial supply chain associated
23 with security and marking requirements.

24 “(D) Benefits and drawbacks of requiring
25 all CUI to be marked with a unique CUI legend

1 versus requiring that all data marked with an
2 appropriate restricted legend be handled as
3 CUI.

4 “(E) The extent to which the Department
5 of Defense clearly delineates Federal Contract
6 Information (FCI) from CUI.

7 “(F) Examples or scenarios to illustrate
8 information that is and is not CUI.”.

9 **SEC. 1541. EVALUATION OF DEPARTMENT OF DEFENSE**
10 **CYBER GOVERNANCE.**

11 (a) **IN GENERAL.**—Not later than 30 days after the
12 date of the enactment of this Act, the Secretary of Defense
13 shall commission a comprehensive evaluation and review
14 of the Department of Defense’s current cyber governance
15 construct.

16 (b) **SCOPE.**—The evaluation and review commis-
17 sioned pursuant to subsection (a) shall—

18 (1) assess the performance of the Department
19 of Defense in carrying out cyberspace and cybersecu-
20 rity responsibilities relating to—

21 (A) conducting military cyberspace oper-
22 ations of offensive, defensive, and protective na-
23 tures;

24 (B) securely operating technologies associ-
25 ated with information networks, industrial con-

1 control systems, operational technologies, weapon
2 systems, and weapon platforms; and

3 (C) enabling, encouraging, and supporting
4 the security of international, industrial, and
5 academic partners;

6 (2) analyze and assess the current institutional
7 constructs across the Office of the Secretary of De-
8 fense, Joint Staff, military services, and combatant
9 commands involved with and responsible for the re-
10 sponsibilities specified in paragraph (1);

11 (3) examine the Department's policy, legislative,
12 and regulatory regimes related to cyberspace and cy-
13 bersecurity matters;

14 (4) analyze and assess the Department's per-
15 formance in and posture for building and retaining
16 the requisite workforce necessary to perform the re-
17 sponsibilities specified in paragraph (1);

18 (5) determine optimal governance structures re-
19 lated to the management and advancement of the
20 Department's cyber workforce, including those struc-
21 tures defined under and evaluated pursuant to sec-
22 tion 1649 of the National Defense Authorization Act
23 for Fiscal Year 2020 (Public Law 116–92) and sec-
24 tion 1726 of the National Defense Authorization Act
25 for Fiscal Year 2021 (Public Law 116–283);

1 (6) develop policy and legislative recommenda-
2 tions, as appropriate, to delineate and deconflict the
3 roles and responsibilities of United States Cyber
4 Command in defending and protecting the Depart-
5 ment of Defense Information Network (DoDIN),
6 with the responsibility of the Chief Information Offi-
7 cer, the Defense Information Systems Agency, and
8 the military services to securely operate technologies
9 specified in paragraph (1)(B);

10 (7) develop policy and legislative recommenda-
11 tions to enhance the authority of the Chief Informa-
12 tion Officers within the military services, specifically
13 as such relates to executive and budgetary control
14 over matters related to such services' information
15 technology security, acquisition, and value;

16 (8) develop policy and legislative recommenda-
17 tions, as appropriate, for optimizing the institutional
18 constructs across the Office of the Secretary of De-
19 fense, Joint Staff, military services, and combatant
20 commands involved with and responsible for the re-
21 sponsibilities specified in paragraph (1); and

22 (9) make recommendations for any legislation
23 determined appropriate.

24 (c) INTERIM BRIEFINGS.—Not later than 90 days
25 after the commencement of the evaluation and review com-

1 missioned pursuant to subsection (a) and every 45 days
2 thereafter, the Secretary of Defense shall brief the con-
3 gressional defense committees on interim findings of such
4 evaluation and review.

5 (d) REPORT.—Not later than six months after the
6 commencement of the evaluation and review commissioned
7 pursuant to subsection (a), the Secretary of Defense shall
8 submit to the congressional defense committees a report
9 on such evaluation and review.

10 **SEC. 1542. OPERATIONAL TECHNOLOGY AND MISSION-REL-**
11 **EVANT TERRAIN IN CYBERSPACE.**

12 (a) MISSION-RELEVANT TERRAIN.—Not later than
13 January 1, 2025, the Department of Defense shall have
14 completed mapping of mission-relevant terrain in cyber-
15 space for Defense Critical Assets and Task Critical Assets
16 at sufficient granularity to enable mission thread analysis
17 and situational awareness, including required—

- 18 (1) decomposition of missions reliant on such
19 Assets;
- 20 (2) identification of access vectors;
- 21 (3) internal and external dependencies;
- 22 (4) topology of networks and network segments;
- 23 (5) cybersecurity defenses across information
24 and operational technology on such Assets; and

1 (6) identification of associated or reliant weap-
2 on systems.

3 (b) COMBATANT COMMAND RESPONSIBILITIES.—Not
4 later than January 1, 2024, the Commanders of United
5 States European Command, United States Indo-Pacific
6 Command, United States Northern Command, United
7 States Strategic Command, United States Space Com-
8 mand, United States Transportation Command, and other
9 relevant Commands, in coordination with the Commander
10 of United States Cyber Command, in order to enable effec-
11 tive mission thread analysis, cyber situational awareness,
12 and effective cyber defense of Defense Critical Assets and
13 Task Critical Assets under their control or in their areas
14 of responsibility, shall develop, institute, and make nec-
15 essary modifications to—

16 (1) internal combatant command processes, re-
17 sponsibilities, and functions;

18 (2) coordination with service components under
19 their operational control, United States Cyber Com-
20 mand, Joint Forces Headquarters-Department of
21 Defense Information Network, and the service cyber
22 components;

23 (3) combatant command headquarters' situa-
24 tional awareness posture to ensure an appropriate
25 level of cyber situational awareness of the forces, fa-

1 facilities, installations, bases, critical infrastructure,
2 and weapon systems under their control or in their
3 areas of responsibility, in particular, Defense Critical
4 Assets and Task Critical Assets; and

5 (4) documentation of their mission-relevant ter-
6 rain in cyberspace.

7 (c) DEPARTMENT OF DEFENSE CHIEF INFORMATION
8 OFFICER RESPONSIBILITIES.—

9 (1) IN GENERAL.—Not later than November 1,
10 2023, the Chief Information Officer of the Depart-
11 ment of Defense shall establish or make necessary
12 changes to policy, control systems standards, risk
13 management framework and authority to operate
14 policies, and cybersecurity reference architectures to
15 provide baseline cybersecurity requirements for oper-
16 ational technology in facilities, installations, bases,
17 critical infrastructure, and weapon systems across
18 the Department of Defense Information Network.

19 (2) IMPLEMENTATION OF POLICIES.—The Chief
20 Information Officer shall leverage acquisition guid-
21 ance, concerted assessment of the Department's
22 operational technology enterprise, and coordination
23 with the military department principal cyber advi-
24 sors and chief information officers to drive necessary
25 change and implementation of relevant policy across

1 the Department's facilities, installations, bases, crit-
2 ical infrastructure, and weapon systems.

3 (3) ADDITIONAL RESPONSIBILITIES.—The
4 Chief Information Officer shall ensure that policies,
5 control systems standards, and cybersecurity ref-
6 erence architectures—

7 (A) are implementable by components of
8 the Department;

9 (B) in their implementation, limit adver-
10 saries' ability to reach or manipulate control
11 systems through cyberspace;

12 (C) appropriately balance non-connectivity
13 and monitoring requirements;

14 (D) include data collection and flow re-
15 quirements;

16 (E) interoperate with and are informed by
17 the operational community's workflows for de-
18 fense of information and operational technology
19 in facilities, installations, bases, critical infra-
20 structure, and weapon systems;

21 (F) integrate and interoperate with De-
22 partment mission assurance construct; and

23 (G) are implemented with respect to De-
24 fense Critical Assets and Task Critical Assets.

1 (d) UNITED STATES CYBER COMMAND OPER-
2 ATIONAL RESPONSIBILITIES.—Not later than January 1,
3 2025, the Commander of United States Cyber Command
4 shall make necessary modifications to the mission, scope,
5 and posture of Joint Forces Headquarters-Department of
6 Defense Information Network to ensure that Joint Forces
7 Headquarters—

8 (1) has appropriate visibility of operational
9 technology in facilities, installations, bases, critical
10 infrastructure, and weapon systems across the De-
11 partment of Defense Information Network and, in
12 particular, Defense Critical Assets and Task Critical
13 Assets;

14 (2) can effectively command and control forces
15 to defend such operational technology; and

16 (3) has established processes for—

17 (A) incident and compliance reporting;

18 (B) ensuring compliance with Department
19 of Defense cybersecurity policy; and

20 (C) ensuring that cyber vulnerabilities, at-
21 tack vectors, and security violations, in par-
22 ticular those specific to Defense Critical Assets
23 and Task Critical Assets, are appropriately
24 managed.

1 (e) UNITED STATES CYBER COMMAND FUNCTIONAL
2 RESPONSIBILITIES.—Not later than January 1, 2025, the
3 Commander of United States Cyber Command shall—

4 (1) ensure in its role of Joint Forces Trainer
5 for the Cyberspace Operations Forces that oper-
6 ational technology cyber defense is appropriately in-
7 corporated into training for the Cyberspace Oper-
8 ations Forces;

9 (2) delineate the specific force composition re-
10 quirements within the Cyberspace Operations Forces
11 for specialized cyber defense of operational tech-
12 nology, including the number, size, scale, and re-
13 sponsibilities of defined Cyber Operations Forces ele-
14 ments;

15 (3) develop and maintain, or support the devel-
16 opment and maintenance of, a joint training cur-
17 riculum for operational technology-focused Cyber-
18 space Operations Forces;

19 (4) support the Chief Information Officer as
20 the Department’s senior official for the cybersecurity
21 of operational technology under this section;

22 (5) develop and institutionalize, or support the
23 development and institutionalization of, tradecraft
24 for defense of operational technology across local de-

1 defenders, cybersecurity service providers, cyber pro-
2 tection teams, and service-controlled forces; and

3 (6) develop and institutionalize integrated con-
4 cepts of operation, operational workflows, and cyber-
5 security architectures for defense of information and
6 operational technology in facilities, installations,
7 bases, critical infrastructure, and weapon systems
8 across the Department of Defense Information Net-
9 work and, in particular, Defense Critical Assets and
10 Task Critical Assets, including—

11 (A) deliberate and strategic sensoring of
12 such Network and Assets;

13 (B) instituting policies governing connec-
14 tions across and between such Network and As-
15 sets;

16 (C) modelling of normal behavior across
17 and between such Network and Assets;

18 (D) engineering data flows across and be-
19 tween such Network and Assets;

20 (E) developing local defenders, cybersecu-
21 rity service providers, cyber protection teams,
22 and service-controlled forces' operational
23 workflows and tactics, techniques, and proce-
24 dures optimized for the designs, data flows, and
25 policies of such Network and Assets;

1 (F) instituting of model defensive cyber op-
2 erations and Department of Defense Informa-
3 tion Network operations tradecraft; and

4 (G) integrating of such operations to en-
5 sure interoperability across echelons; and

6 (7) advance the integration of the Department
7 of Defense's mission assurance, cybersecurity com-
8 pliance, cybersecurity operations, risk management
9 framework, and authority to operate programs and
10 policies.

11 (f) SERVICE RESPONSIBILITIES.—No later than Jan-
12 uary 1, 2025, the Secretaries of the military departments,
13 through the service principal cyber advisors, chief informa-
14 tion officers, the service cyber components, and relevant
15 service commands, shall make necessary investments in
16 operational technology in facilities, installations, bases,
17 critical infrastructure, and weapon systems across the De-
18 partment of Defense Information Network and the serv-
19 ice-controlled forces responsible for defense of such oper-
20 ational technology to—

21 (1) ensure that relevant local network and cy-
22 bersecurity forces are responsible for defending and
23 appropriately postured to defend operational tech-
24 nology across facilities, installations, bases, critical

1 infrastructure, and weapon systems, in particular
2 Defense Critical Assets and Task Critical Assets;

3 (2) ensure that relevant local operational tech-
4 nology-focused system operators, network and cyber-
5 security forces, mission defense teams and other
6 service-retained forces, and cyber protection teams
7 are appropriately trained, including through common
8 training and use of cyber ranges, as appropriate, to
9 execute the specific requirements of cybersecurity
10 operations in operational technology;

11 (3) ensure that all Defense Critical Assets and
12 Task Critical Assets are monitored and defended by
13 Cybersecurity Service Providers;

14 (4) ensure that operational technology is appro-
15 priately sensed and appropriate cybersecurity de-
16 fenses, including technologies associated with the
17 More Situational Awareness for Industrial Control
18 Systems Joint Capability Technology Demonstra-
19 tion, are employed to enable defense of Defense Crit-
20 ical Assets and Task Critical Assets;

21 (5) implement Department of Defense Chief In-
22 formation Officer policy germane to operational
23 technology, in particular with respect to Defense
24 Critical Assets and Task Critical Assets;

1 (6) plan for, designate, and train dedicate
2 forces to be utilized in operational technology-centric
3 roles across the military services and United States
4 Cyber Command; and

5 (7) ensure that operational technology, as ap-
6 propriate, is not easily accessible via the internet
7 and that cybersecurity investments accord with mis-
8 sion risk to and relevant access vectors for Defense
9 Critical Assets and Task Critical Assets.

10 (g) OFFICE OF THE SECRETARY OF DEFENSE RE-
11 SPONSIBILITIES.—No later than January 1, 2023, the
12 Secretary of Defense shall—

13 (1) assess and finalize Office of the Secretary
14 of Defense components' roles responsibilities for the
15 cybersecurity of operational technology in facilities,
16 installations, bases, critical infrastructure, and weap-
17 on systems across the Department of Defense Infor-
18 mation Network;

19 (2) assess the need to establish centralized or
20 dedicated funding for remediation of cybersecurity
21 gaps in operational technology across the Depart-
22 ment of Defense Information Network and to drive
23 implementation of this section;

24 (3) make relevant modifications to the Depart-
25 ment of Defense's mission assurance construct, Mis-

1 sion Assurance Coordination Board, and other rel-
2 evant bodies to drive—

3 (A) prioritization of kinetic and non-kinetic
4 threats to the Department’s missions and mini-
5 mization of mission risk in the Department’s
6 war plans;

7 (B) prioritization of relevant mitigations
8 and investments to harden and assure the De-
9 partment’s missions and minimize mission risk
10 in the Department’s war plans; and

11 (C) completion of mission relevant terrain
12 mapping of Defense Critical Assets and Task
13 Critical Assets and population of associated as-
14 sessment and mitigation data in authorized re-
15 positories;

16 (4) make relevant modifications to the Strategic
17 Cybersecurity Program; and

18 (5) drive and provide oversight of the imple-
19 mentation of this section.

20 (h) BUDGET ROLLOUT BRIEFINGS.—

21 (1) Until January 1, 2024, at the annual staff-
22 er day briefings for the Committees on Armed Serv-
23 ices of the Senate and the House of Representatives,
24 each of the Secretaries of the military departments,
25 the Commander of United States Cyber Command,

1 and the Department of Defense Chief Information
2 Officer shall provide updates on activities under-
3 taken and progress made against the specific re-
4 quirements of this section.

5 (2) No less frequently than annually until Jan-
6 uary 1, 2024, beginning no later than 1 year after
7 the date of the enactment of this Act, the Under
8 Secretary of Defense for Policy, the Under Secretary
9 of Defense for Acquisition and Sustainment, the
10 Chief Information Officer, and the Joint Staff J6,
11 representing the combatant commands, shall individ-
12 ually or together provide briefings to the Committees
13 on Armed Services of the Senate and the House of
14 Representatives on activities undertaken and
15 progress made against the specific requirements of
16 this section.

17 (i) IMPLEMENTATION.—

18 (1) IN GENERAL.—In implementing this sec-
19 tion, the Department of Defense shall prioritize the
20 cybersecurity and cyber defense of Defense Critical
21 Assets and Task Critical Assets and shape cyber in-
22 vestments, policy, operations, and deployments to
23 ensure cybersecurity and cyber defense.

24 (2) APPLICATION.—This section shall apply to
25 assets owned and operated by the Department of

1 Defense, as well as applicable, non-Department of
2 Defense assets essential to the projection, support,
3 and sustainment of military forces and operations
4 worldwide.

5 (j) DEFINITION.—In this section, “operational tech-
6 nology” refers to control systems, or controllers, commu-
7 nication architectures, and user interfaces that monitor or
8 control infrastructure and equipment operating in various
9 environments, such as weapons systems, utility or energy
10 production and distribution, medical, logistics, nuclear, bi-
11 ological, chemical, and manufacturing facilities.

12 **SEC. 1543. IMPLEMENTATION OF CERTAIN CYBERSECURITY**
13 **RECOMMENDATIONS; CYBER HYGIENE AND**
14 **CYBERSECURITY MATURITY MODEL CERTIFI-**
15 **CATION FRAMEWORK.**

16 (a) REPORT ON IMPLEMENTATION OF CERTAIN CY-
17 BERSECURITY RECOMMENDATIONS.—Not later than 180
18 days after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the congressional defense
20 committees a report regarding the plans of the Secretary
21 to implement certain cybersecurity recommendations to
22 ensure—

23 (1) the Chief Information Officer of the Depart-
24 ment of Defense takes appropriate steps to ensure
25 implementation of DC3I tasks;

1 (2) Department components develop plans with
2 scheduled completion dates to implement any re-
3 maining CDIP tasks overseen by the Chief Informa-
4 tion Officer;

5 (3) the Deputy Secretary of Defense identifies
6 a Department component to oversee the implementa-
7 tion of any CDIP tasks not overseen by the Chief
8 Information Officer and reports on progress relating
9 to such implementation;

10 (4) Department components accurately monitor
11 and report information on the extent that users have
12 completed Cyber Awareness Challenge training, as
13 well as the number of users whose access to the De-
14 partment network was revoked because such users
15 have not completed such training;

16 (5) the Chief Information Officer ensures all
17 Department components, including DARPA, require
18 their users to take Cyber Awareness Challenge train-
19 ing;

20 (6) a Department component is directed to
21 monitor the extent to which practices are imple-
22 mented to protect the Department's network from
23 key cyberattack techniques; and

24 (7) the Chief Information Officer assesses the
25 extent to which senior leaders of the Department

1 have more complete information to make risk-based
2 decisions, and revise the recurring reports (or de-
3 velop a new report) accordingly, including informa-
4 tion relating to the Department's progress on imple-
5 menting—

6 (A) cybersecurity practices identified in
7 cyber hygiene initiatives; and

8 (B) cyber hygiene practices to protect De-
9 partment networks from key cyberattack tech-
10 niques.

11 (b) REPORT ON CYBER HYGIENE AND CYBERSECU-
12 RITY MATURITY MODEL CERTIFICATION FRAMEWORK.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Defense shall submit to the congressional
16 defense committees and the Comptroller General of
17 the United States a report on the cyber hygiene
18 practices of the Department of Defense and the ex-
19 tent to which such practices are effective at pro-
20 tecting Department missions, information, system
21 and networks. The report shall include the following:

22 (A) An assessment of each Department
23 component's compliance with the requirements
24 and levels identified in the Cybersecurity Matu-
25 rity Model Certification framework.

1 (B) For each Department component that
2 does not achieve the requirements for “good
3 cyber hygiene” as defined in CMMC Model
4 Version 1.02, a plan for how that component
5 will implement security measures to bring it
6 into compliance with good cyber hygiene re-
7 quirements within one year, and a strategy for
8 mitigating potential vulnerabilities and con-
9 sequences until such requirements are imple-
10 mented.

11 (2) COMPTROLLER GENERAL REVIEW.—Not
12 later than 180 days after the submission of the re-
13 port required under paragraph (1)), the Comptroller
14 General of the United States shall conduct an inde-
15 pendent review of the report and provide a briefing
16 to the congressional defense committees on the find-
17 ings of the review.

18 **SEC. 1544. NATIONAL CYBER EXERCISE PROGRAM.**

19 (a) IN GENERAL.—Subtitle A of title XXII of the
20 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
21 is amended by adding at the end the following new section:

22 **“SEC. 2220A. NATIONAL CYBER EXERCISE PROGRAM.**

23 “(a) ESTABLISHMENT OF PROGRAM.—

24 “(1) IN GENERAL.—There is established in the
25 Agency the National Cyber Exercise Program (re-

1 ferred to in this section as the ‘Exercise Program’)
2 to evaluate the National Cyber Incident Response
3 Plan, and other related plans and strategies.

4 “(2) REQUIREMENTS.—

5 “(A) IN GENERAL.—The Exercise Program
6 shall be—

7 “(i) based on current risk assess-
8 ments, including credible threats,
9 vulnerabilities, and consequences;

10 “(ii) designed, to the extent prac-
11 ticable, to simulate the partial or complete
12 incapacitation of a government or critical
13 infrastructure network resulting from a
14 cyber incident;

15 “(iii) designed to provide for the sys-
16 tematic evaluation of cyber readiness and
17 enhance operational understanding of the
18 cyber incident response system and rel-
19 evant information sharing agreements; and

20 “(iv) designed to promptly develop
21 after-action reports and plans that can
22 quickly incorporate lessons learned into fu-
23 ture operations.

24 “(B) MODEL EXERCISE SELECTION.—The
25 Exercise Program shall—

1 “(i) include a selection of model exer-
2 cises that government and private entities
3 can readily adapt for use; and

4 “(ii) aid such governments and pri-
5 vate entities with the design, implementa-
6 tion, and evaluation of exercises that—

7 “(I) conform to the requirements
8 described in subparagraph (A);

9 “(II) are consistent with any ap-
10 plicable national, State, local, or Trib-
11 al strategy or plan; and

12 “(III) provide for systematic
13 evaluation of readiness.

14 “(3) CONSULTATION.—In carrying out the Ex-
15 ercise Program, the Director may consult with ap-
16 propriate representatives from Sector Risk Manage-
17 ment Agencies, the Office of the National Cyber Di-
18 rector, cybersecurity research stakeholders, and Sec-
19 tor Coordinating Councils.

20 “(b) DEFINITIONS.—In this section:

21 “(1) STATE.—The term ‘State’ means any
22 State of the United States, the District of Columbia,
23 the Commonwealth of Puerto Rico, the Northern
24 Mariana Islands, the United States Virgin Islands,

1 Guam, American Samoa, and any other territory or
2 possession of the United States.

3 “(2) PRIVATE ENTITY.—The term ‘private enti-
4 ty’ has the meaning given such term in section 102
5 of the Cybersecurity Information Sharing Act of
6 2015 (6 U.S.C. 1501).”.

7 (b) TITLE XXII TECHNICAL AND CLERICAL AMEND-
8 MENTS.—

9 (1) TECHNICAL AMENDMENTS.—

10 (A) HOMELAND SECURITY ACT OF 2002.—
11 Subtitle A of title XXII of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 651 et seq.) is
13 amended—

14 (i) in the first section 2215 (6 U.S.C.
15 665; relating to the duties and authorities
16 relating to .gov internet domain), by
17 amending the section enumerator and
18 heading to read as follows:

19 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
20 **INTERNET DOMAIN.”;**

21 (ii) in the second section 2215 (6
22 U.S.C. 665b; relating to the joint cyber
23 planning office), by amending the section
24 enumerator and heading to read as follows:

1 **“SEC. 2216. JOINT CYBER PLANNING OFFICE.”;**

2 (iii) in the third section 2215 (6
3 U.S.C. 665c; relating to the Cybersecurity
4 State Coordinator), by amending the sec-
5 tion enumerator and heading to read as
6 follows:

7 **“SEC. 2217. CYBERSECURITY STATE COORDINATOR.”;**

8 (iv) in the fourth section 2215 (6
9 U.S.C. 665d; relating to Sector Risk Man-
10 agement Agencies), by amending the sec-
11 tion enumerator and heading to read as
12 follows:

13 **“SEC. 2218. SECTOR RISK MANAGEMENT AGENCIES.”;**

14 (v) in section 2216 (6 U.S.C. 665e;
15 relating to the Cybersecurity Advisory
16 Committee), by amending the section enu-
17 merator and heading to read as follows:

18 **“SEC. 2219. CYBERSECURITY ADVISORY COMMITTEE.”; and**

19 (vi) in section 2217 (6 U.S.C. 665f;
20 relating to Cybersecurity Education and
21 Training Programs), by amending the sec-
22 tion enumerator and heading to read as
23 follows:

1 **“SEC. 2220. CYBERSECURITY EDUCATION AND TRAINING**
2 **PROGRAMS.”**

3 (B) CONSOLIDATED APPROPRIATIONS ACT,
4 2021.—Paragraph (1) of section 904(b) of divi-
5 sion U of the Consolidated Appropriations Act,
6 2021 (Public Law 116–260) is amended, in the
7 matter preceding subparagraph (A), by insert-
8 ing “of 2002” after “Homeland Security Act”.

9 (2) CLERICAL AMENDMENT.—The table of con-
10 tents in section 1(b) of the Homeland Security Act
11 of 2002 is amended by striking the items relating to
12 sections 2214 through 2217 and inserting the fol-
13 lowing new items:

“Sec. 2214. National Asset Database.

“Sec. 2215. Duties and authorities relating to .gov internet domain.

“Sec. 2216. Joint cyber planning office.

“Sec. 2217. Cybersecurity State Coordinator.

“Sec. 2218. Sector Risk Management Agencies.

“Sec. 2219. Cybersecurity Advisory Committee.

“Sec. 2220. Cybersecurity Education and Training Programs.

“Sec. 2220A. National Cyber Exercise Program.”.

14 **SEC. 1545. DEPARTMENT OF HOMELAND SECURITY GUID-**
15 **ANCE WITH RESPECT TO CERTAIN INFORMA-**
16 **TION AND COMMUNICATIONS TECHNOLOGY**
17 **OR SERVICES CONTRACTS.**

18 (a) GUIDANCE.—The Secretary of Homeland Secu-
19 rity, acting through the Under Secretary, shall issue guid-
20 ance with respect to new and existing covered contracts.

21 (b) NEW COVERED CONTRACTS.—In developing
22 guidance under subsection (a), with respect to each new

1 covered contract, as a condition on the award of such a
2 contract, each contractor responding to a solicitation for
3 such a contract shall submit to the covered officer—

4 (1) a planned bill of materials when submitting
5 a bid proposal; and

6 (2) the certification and notifications described
7 in subsection (e).

8 (c) EXISTING COVERED CONTRACTS.—In developing
9 guidance under subsection (a), with respect to each exist-
10 ing covered contract, each contractor with an existing cov-
11 ered contract shall submit to the covered officer—

12 (1) the bill of materials used for such contract,
13 upon the request of such officer; and

14 (2) the certification and notifications described
15 in subsection (e).

16 (d) UPDATING BILL OF MATERIALS.—With respect
17 to a covered contract, in the case of a change to the infor-
18 mation included in a bill of materials submitted pursuant
19 to subsections (b)(1) and (c)(1), each contractor shall sub-
20 mit to the covered officer the update to such bill of mate-
21 rials, in a timely manner.

22 (e) CERTIFICATION AND NOTIFICATIONS.—The cer-
23 tification and notifications referred to in subsections
24 (b)(2) and (c)(2), with respect to a covered contract, are
25 the following:

1 (1) A certification that each item listed on the
2 submitted bill of materials is free from all known
3 vulnerabilities or defects affecting the security of the
4 end product or service identified in—

5 (A) the National Institute of Standards
6 and Technology National Vulnerability Data-
7 base; and

8 (B) any database designated by the Under
9 Secretary, in coordination with the Director of
10 the Cybersecurity and Infrastructure Security
11 Agency, that tracks security vulnerabilities and
12 defects in open source or third-party developed
13 software.

14 (2) A notification of each vulnerability or defect
15 affecting the security of the end product or service,
16 if identified, through—

17 (A) the certification of such submitted bill
18 of materials required under paragraph (1); or

19 (B) any other manner of identification.

20 (3) A notification relating to the plan to miti-
21 gate, repair, or resolve each security vulnerability or
22 defect listed in the notification required under para-
23 graph (2).

1 (f) ENFORCEMENT.—In developing guidance under
2 subsection (a), the Secretary shall instruct covered officers
3 with respect to—

4 (1) the processes available to such officers en-
5 forcing subsections (b) and (c); and

6 (2) when such processes should be used.

7 (g) EFFECTIVE DATE.—The guidance required under
8 subsection (a) shall take effect on the date that is 180
9 days after the date of the enactment of this section.

10 (h) GAO REPORT.—Not later than 1 year after the
11 date of the enactment of this Act, the Comptroller General
12 of the United States shall submit to the Secretary, the
13 Committee on Homeland Security of the House of Rep-
14 resentatives, and the Committee on Homeland Security
15 and Governmental Affairs of the Senate a report that in-
16 cludes—

17 (1) a review of the implementation of this sec-
18 tion;

19 (2) information relating to the engagement of
20 the Department of Homeland Security with indus-
21 try;

22 (3) an assessment of how the guidance issued
23 pursuant to subsection (a) complies with Executive
24 Order 14208 (86 Fed. Reg. 26633; relating to im-
25 proving the nation’s cybersecurity); and

1 (4) any recommendations relating to improving
2 the supply chain with respect to covered contracts.

3 (i) DEFINITIONS.—In this section:

4 (1) The term “bill of materials” means a list of
5 the parts and components (whether new or reused)
6 of an end product or service, including, with respect
7 to each part and component, information relating to
8 the origin, composition, integrity, and any other in-
9 formation as determined appropriate by the Under
10 Secretary.

11 (2) The term “covered contract” means a con-
12 tract relating to the procurement of covered infor-
13 mation and communications technology or services
14 for the Department.

15 (3) The term “covered information and commu-
16 nications technology or services” means the terms—

17 (A) “information technology” (as such
18 term is defined in section 11101(6) of title 40,
19 United States Code);

20 (B) “information system” (as such term is
21 defined in section 3502(8) of title 44, United
22 States Code);

23 (C) “telecommunications equipment” (as
24 such term is defined in section 3(52) of the

1 Communications Act of 1934 (47 U.S.C.
2 153(52)); and

3 (D) “telecommunications service” (as such
4 term is defined in section 3(53) of the Commu-
5 nications Act of 1934 (47 U.S.C. 153(53))).

6 (4) The term “covered officer” means—

7 (A) a contracting officer of the Depart-
8 ment; and

9 (B) any other official of the Department as
10 determined appropriate by the Under Secretary.

11 (5) The term “Department” means the Depart-
12 ment of Homeland Security.

13 (6) The term “software” means computer pro-
14 grams and associated data that may be dynamically
15 written or modified during execution.

16 (7) The term “Under Secretary” means the
17 Under Secretary for Management of the Depart-
18 ment.

19 **SEC. 1546. STRATEGIC ASSESSMENT RELATING TO INNOVA-**
20 **TION OF INFORMATION SYSTEMS AND CY-**
21 **BERSECURITY THREATS.**

22 (a) RESPONSIBILITIES OF DIRECTOR.—Section
23 2202(c)(3) of the Homeland Security Act of 2002 (6
24 U.S.C. 652) is amended by striking the semicolon at the
25 end and adding the following: “, including by carrying out

1 a periodic strategic assessment of the related programs
2 and activities of the Agency to ensure such programs and
3 activities contemplate the innovation of information sys-
4 tems and changes in cybersecurity risks and cybersecurity
5 threats;”

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than 120 days
8 after the date of the enactment of this Act and not
9 fewer than once every three years thereafter, the Di-
10 rector of the Cybersecurity and Infrastructure Secu-
11 rity Agency shall submit to the Committee on Home-
12 land Security of the House of Representatives and
13 the Committee on Homeland Security and Govern-
14 mental Affairs of the Senate a strategic assessment
15 for the purposes described in paragraph (2).

16 (2) PURPOSES.—The purposes described in this
17 paragraph are the following:

18 (A) A description of the existing programs
19 and activities administered in furtherance of
20 section 2202(c)(3) of the Homeland Security
21 Act of 2002 (6 U.S.C. 652).

22 (B) An assessment of the capability of ex-
23 isting programs and activities administered by
24 the Agency in furtherance of such section to
25 monitor for, manage, mitigate, and defend

1 against cybersecurity risks and cybersecurity
2 threats.

3 (C) An assessment of past or anticipated
4 technological trends or innovation of informa-
5 tion systems or information technology that
6 have the potential to affect the efficacy of the
7 programs and activities administered by the
8 Agency in furtherance of such section.

9 (D) A description of any changes in the
10 practices of the Federal workforce, such as in-
11 creased telework, affect the efficacy of the pro-
12 grams and activities administered by the Agen-
13 cy in furtherance of section 2202(c)(3).

14 (E) A plan to integrate innovative security
15 tools, technologies, protocols, activities, or pro-
16 grams to improve the programs and activities
17 administered by the Agency in furtherance of
18 such section.

19 (F) A description of any research and de-
20 velopment activities necessary to enhance the
21 programs and activities administered by the
22 Agency in furtherance of such section.

23 (G) A description of proposed changes to
24 existing programs and activities administered
25 by the Agency in furtherance of such section,

1 including corresponding milestones for imple-
2 mentation.

3 (H) Information relating to any new re-
4 sources or authorities necessary to improve the
5 programs and activities administered by the
6 Agency in furtherance of such section.

7 (c) DEFINITIONS.—In this section:

8 (1) The term “Agency” means the Cybersecu-
9 rity and Infrastructure Security Agency.

10 (2) The term “cybersecurity purpose” has the
11 meaning given such term in section 102(4) of the
12 Cybersecurity Information Sharing Act of 2015 (6
13 U.S.C. 1501(4)).

14 (3) The term “cybersecurity risk” has the
15 meaning given such term in section 2209(a)(2) of
16 the Homeland Security Act of 2002 (6 U.S.C.
17 659(a)(2)).

18 (4) The term “information system” has the
19 meaning given such term in section 3502(8) of title
20 44, United States Code.

21 (5) The term “information technology” has the
22 meaning given such term in 3502(9) of title 44,
23 United States Code.

1 (6) The term “telework” has the meaning given
2 the term in section 6501(3) of title 5, United States
3 Code.

4 **TITLE XVI—SPACE ACTIVITIES,**
5 **STRATEGIC PROGRAMS, AND**
6 **INTELLIGENCE MATTERS**

7 **Subtitle A—Space Activities**

8 **SEC. 1601. IMPROVEMENTS TO TACTICALLY RESPONSIVE**
9 **SPACE LAUNCH PROGRAM.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the Space Force, in collaboration with the
13 United States Space Command, the military depart-
14 ments, relevant Defense Agencies and, where prac-
15 ticable, the National Reconnaissance Office, should
16 continue to build on the successful Space Safari
17 tactically responsive launch-2 mission of the Space
18 Force, which was a pathfinder to inform concepts of
19 operation regarding tactically responsive launches;
20 and

21 (2) future efforts regarding tactically responsive
22 launches should not be limited to only launch capa-
23 bilities, but should also include all aspects that are
24 needed for rapid reconstitution and responsiveness
25 to urgent requirements with respect to satellite

1 buses, payloads, operations, and ground infrastruc-
2 ture.

3 (b) PROGRAM.—Section 1609 of the William M.
4 (Mac) Thornberry National Defense Authorization Act for
5 Fiscal Year 2021 (Public Law 116–283) is amended—

6 (1) by striking “The Secretary” and inserting
7 “(a) PROGRAM.—The Secretary”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) SUPPORT.—

11 “(1) ELEMENTS.—The Secretary of Defense, in
12 consultation with the Director of National Intel-
13 ligence, shall support the tactically responsive launch
14 program under subsection (a) during the period cov-
15 ered by the future-years defense program submitted
16 to Congress under section 221 of title 10, United
17 States Code, in 2022 to ensure that the program ad-
18 dresses the following:

19 “(A) The ability to rapidly place on-orbit
20 systems to respond to urgent needs of the com-
21 manders of the combatant commands or to re-
22 constitute space assets and capabilities to sup-
23 port national security priorities if such assets
24 and capabilities are degraded, attacked, or oth-
25 erwise impaired, including such assets and ca-

1 pabilities relating to protected communications
2 and intelligence, surveillance, and reconnais-
3 sance.

4 “(B) The entire launch process, including
5 with respect to launch services, satellite bus and
6 payload availability, and operations and
7 sustainment on-orbit.

8 “(2) PLAN.—As a part of the defense budget
9 materials (as defined in section 239 of title 10,
10 United States Code) for fiscal year 2023, the Sec-
11 retary of Defense, in consultation with the Director
12 of National Intelligence, shall submit to Congress a
13 plan for the tactically responsive launch program to
14 address the elements under paragraph (1). Such
15 plan shall include the following:

16 “(A) Lessons learned from the Space Sa-
17 fari tactically responsive launch-2 mission of
18 the Space Force, and how to incorporate such
19 lessons into future efforts regarding tactically
20 responsive launches.

21 “(B) How to achieve responsive acquisition
22 timelines within the adaptive acquisition frame-
23 work for space acquisition pursuant to section
24 807.

1 “(C) Plans to address supply chain issues
2 and leverage commercial capabilities to support
3 future reconstitution and urgent space require-
4 ments leveraging the tactically responsive
5 launch program under subsection (a).”.

6 **SEC. 1602. NATIONAL SECURITY SPACE LAUNCH PROGRAM.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) the Department of Defense and the Na-
10 tional Reconnaissance Office should, to the extent
11 practicable, use launch services under a phase two
12 contract of the National Security Space Launch pro-
13 gram; and

14 (2) for missions that fall outside of the require-
15 ments of phase two of the National Security Space
16 Launch program, the Department of Defense and
17 the National Reconnaissance Office should continue
18 to leverage the growing launch provider base of the
19 United States, including those companies that pro-
20 vide smaller and ride-share launch capabilities, to
21 incentivize sustained investment in domestic launch
22 capabilities.

23 (b) POLICY.—With respect to entering into contracts
24 for launch services during the period beginning on the date
25 of the enactment of this Act and ending September 30,

1 2024, it shall be the policy of the Department of Defense
2 and the National Reconnaissance Office to—

3 (1) use the National Security Space Launch
4 program to the extent practicable to procure launch
5 services that are met under the requirements of
6 phase two; and

7 (2) maximize continuous competition for launch
8 services as the Space Force initiates planning for
9 phase three, specifically for those technology areas
10 that are unique to existing and emerging national
11 security requirements.

12 (c) NOTIFICATION.—If the Secretary of Defense or
13 the Director of the National Reconnaissance Office deter-
14 mines that a program requiring launch services that could
15 be met using phase two contracts will instead use an alter-
16 native launch procurement approach, not later than seven
17 days after the date of such determination, the Secretary
18 of Defense or, as appropriate, the Director of National
19 Intelligence, shall submit to the appropriate congressional
20 committees—

21 (1) a notification of such determination;

22 (2) a certification that the alternative launch
23 procurement approach is in the national security in-
24 terest of the United States; and

1 (3) an outline of the cost analysis and any
2 other rationale for such determination.

3 (d) REPORT.—

4 (1) REQUIREMENT.—Not later than 90 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Defense, in coordination with the Chief of
7 Space Operations and the Director of the Space De-
8 velopment Agency, and in consultation with the Di-
9 rector of National Intelligence (including with re-
10 spect to the views of the Director of the National
11 Reconnaissance Office), shall submit to the appro-
12 priate congressional committees a report on the
13 plans of the Secretary to address, with respect to
14 launches that would be procured in addition to or
15 outside of launches under phase two, the emerging
16 launch requirements in the areas of space access,
17 mobility, and logistics that cannot be met by phase
18 two capabilities, as of the date of the report.

19 (2) ELEMENTS.—The report under paragraph
20 (1) shall include the following:

21 (A) An examination of the benefits of com-
22 peting up to two launches per year outside of
23 phase two to accelerate the rapid development
24 and on-orbit deployment of enabling and trans-
25 formational technologies required to address

1 emerging requirements, including with respect
2 to—

3 (i) delivery of in-space transportation,
4 logistics and on-orbit servicing capabilities
5 to enhance the persistence, sensitivity, and
6 resiliency of national security space mis-
7 sions in a contested space environment;

8 (ii) proliferated low-Earth orbit con-
9 stellations deployment;

10 (iii) routine access to extended orbits
11 beyond geostationary orbits, including
12 cislunar orbits;

13 (iv) greater cislunar awareness capa-
14 bilities;

15 (v) payload fairings that exceed cur-
16 rent launch requirements;

17 (vi) increased responsiveness for heavy
18 lift capability;

19 (vii) the ability to transfer orbits, in-
20 cluding point-to-point orbital transfers;

21 (viii) capacity and capability to exe-
22 cute secondary deployments;

23 (ix) high-performance upper stages;

24 (x) vertical integration; and

1 (xi) other new missions that are out-
2 side the parameters of the nine design ref-
3 erence missions that exist as of the date of
4 the enactment of this Act;

5 (B) A description of how competing space
6 access, mobility, and logistics launches could
7 aid in establishing a new acquisition framework
8 to—

9 (i) promote the potential for addi-
10 tional open and sustainable competition for
11 phase three; and

12 (ii) re-examine the balance of mission
13 assurance versus risk tolerance to reflect
14 new resilient spacecraft architectures and
15 reduce workload on the Federal Govern-
16 ment and industry to perform mission as-
17 surance where appropriate.

18 (C) An analysis of how the matters under
19 subparagraphs (A) and (B) may help continue
20 to reduce the cost per launch of national secu-
21 rity payloads.

22 (D) An examination of the effects to the
23 National Security Space Launch program if
24 contracted launch providers cannot meet all

1 phase two requirements, including with respect
2 to—

- 3 (i) the effects to national security
4 launch resiliency; and
5 (ii) the cost effects of a launch market
6 that lacks full competition.

7 (3) FORM.—The report under paragraph (1)
8 shall be submitted in unclassified form, but may in-
9 clude a classified appendix.

10 (4) BRIEFING.—Not later than 30 days after
11 the date of the enactment of this Act, the Secretary,
12 in consultation with the Director of National Intel-
13 ligence, shall provide to the appropriate congres-
14 sional committees a briefing on the report under
15 paragraph (1).

16 (e) DEFINITIONS.—In this section:

17 (1) The term “appropriate congressional com-
18 mittees” means—

19 (A) the congressional defense committees;
20 and

21 (B) the Permanent Select Committee on
22 Intelligence of the House of Representatives
23 and the Select Committee on Intelligence of the
24 Senate.

1 (2) The term “phase three” means, with re-
2 spect to the National Security Space Launch pro-
3 gram, launch missions ordered under the program
4 after fiscal year 2024.

5 (3) The term “phase two” means, with respect
6 to the National Security Space Launch program,
7 launch missions ordered under the program during
8 fiscal years 2020 through 2024.

9 **SEC. 1603. CLASSIFICATION REVIEW OF PROGRAMS OF THE**
10 **SPACE FORCE.**

11 (a) **CLASSIFICATION REVIEW.**—The Chief of Space
12 Operations shall—

13 (1) not later than 120 days after the date of
14 the enactment of this Act, conduct a review of each
15 classified program managed under the authority of
16 the Space Force to determine whether—

17 (A) the level of classification of the pro-
18 gram could be changed to a lower level; or

19 (B) the program could be declassified; and

20 (2) not later than 90 days after the date on
21 which the Chief completes such review, commence
22 the change to the classification level or the declas-
23 sification as determined in such review.

24 (b) **COORDINATION.**—The Chief of Space Operations
25 shall carry out the review under subsection (a)(1) in co-

1 ordination with the Assistant Secretary of Defense for
2 Space Policy and, as the Chief determines appropriate, the
3 heads of other elements of the Department of Defense.

4 (c) REPORT.—Not later than 60 days after the date
5 on which the Chief of Space Operations completes the re-
6 view under subsection (a)(1), the Chief, in coordination
7 with the Assistant Secretary of Defense for Space Policy,
8 shall submit to the congressional defense committees a re-
9 port identifying each program managed under the author-
10 ity of the Space Force covered by a determination regard-
11 ing changing the classification level of the program or de-
12 classifying the program, including—

13 (1) the timeline for implementing such change
14 or declassification; and

15 (2) any risks that exist in implementing such
16 change or declassification.

17 **SEC. 1604. REPORT ON RANGE OF THE FUTURE INITIATIVE**
18 **OF THE SPACE FORCE.**

19 (a) FINDINGS.—Congress finds that in a report sub-
20 mitted to Congress by the Chief of Space Operations, the
21 Chief highlighted a need for changes to current law to im-
22 prove installation infrastructure at the launch ranges of
23 the Space Force, and stated that “If we fail to do this
24 effectively our installations will become a limiting factor
25 to launch capability.”

1 (b) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Chief of Space Oper-
3 ations shall submit to the congressional defense commit-
4 tees and the Committee on Science, Space, and Tech-
5 nology of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation of the Senate
7 a report containing the following:

8 (1) A detailed plan to carry out the Space
9 Force “Range of the Future” initiative, including
10 the estimated funding required to implement the
11 plan.

12 (2) Identification of any specific authorities the
13 Chief determines need to be modified by law to im-
14 prove the ability of the Space Force to address long-
15 term challenges to the physical infrastructure at the
16 launch ranges of the Space Force to support govern-
17 ment and commercial launch, and an explanation for
18 why such modified authorities are needed, as well as
19 an identification of any impacts the proposed au-
20 thorities could have on competition in the commer-
21 cial launch industry.

22 (3) Any additional proposals that would support
23 improved infrastructure at the launch ranges of the
24 Space Force and allow for commercial investment
25 for mutually beneficial projects, including rec-

1 ommendations for legislative action to carry out such
2 proposals and an identification of any impacts the
3 proposed authorities could have on competition in
4 the commercial launch industry.

5 **SEC. 1605. NORMS OF BEHAVIOR FOR INTERNATIONAL**
6 **RULES-BASED ORDER IN SPACE.**

7 (a) **PRIORITIZED OBJECTIVES.**—Not later than 90
8 days after the date of the enactment of this Act, the cov-
9 ered officials shall each submit to the National Space
10 Council a list of prioritized objectives with respect to es-
11 tablishing norms of behavior to be addressed through bi-
12 lateral and multilateral negotiations relating to an inter-
13 national rules-based order in space, including with respect
14 to events that create space debris, rendezvous and prox-
15 imity operations, and other appropriate matters.

16 (b) **CONSOLIDATED LIST AND FRAMEWORK.**—Not
17 later than 45 days after the date on which the National
18 Space Council has received the list of prioritized objectives
19 from each covered official under subsection (a), the Coun-
20 cil shall consolidate such prioritized objectives in a single
21 list. The Secretary of State, in collaboration with other
22 heads of relevant departments and agencies of the Federal
23 Government, shall use such consolidated list as a guide
24 to establish a framework for bilateral and multilateral ne-
25 gotiations described in such subsection.

1 (c) SUBMISSION TO CONGRESS.—Not later than
2 seven days after the date on which the National Space
3 Council consolidates the list of prioritized objectives under
4 subsection (b) in a single list, the Council shall submit
5 to the appropriate congressional committees such consoli-
6 dated list, disaggregated by the covered official who sub-
7 mitted each such prioritized objective.

8 (d) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the congressional defense committees;

12 (B) the Committee on Foreign Affairs, the
13 Committee on Science, Space, and Technology,
14 and the Permanent Select Committee on Intel-
15 ligence of the House of Representatives; and

16 (C) the Committee on Foreign Relations,
17 the Committee on Commerce, Science, and
18 Transportation, and the Select Committee on
19 Intelligence of the Senate.

20 (2) The term “covered official” means each of
21 the following:

22 (A) The Under Secretary of Defense for
23 Policy, in consultation with the Chief of Space
24 Operations, the Commander of the United

1 States Space Command, and the Director of the
2 National Geospatial-Intelligence Agency.

3 (B) The Assistant Secretary of State for
4 Arms Control, Verification, and Compliance.

5 (C) The Administrator of the National
6 Aeronautics and Space Administration.

7 (D) The Director of the National Recon-
8 naissance Office.

9 **SEC. 1606. PROGRAMS OF RECORD OF SPACE FORCE AND**
10 **COMMERCIAL CAPABILITIES.**

11 Section 957(c) of the National Defense Authorization
12 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
13 9016 note) is amended by adding at the end the following
14 new paragraph:

15 “(5) PROGRAMS OF RECORD AND COMMERCIAL
16 CAPABILITIES.—The Service Acquisition Executive
17 for Space Systems and Programs may not establish
18 a program of record for the Space Force unless the
19 Service Acquisition Executive first—

20 “(A) determines that there is no commer-
21 cially available capability that would meet the
22 threshold objectives for that proposed program;
23 and

24 “(B) submits to the congressional defense
25 committees such determination.”.

1 **SEC. 1607. CLARIFICATION OF DOMESTIC SERVICES AND**
2 **CAPABILITIES IN LEVERAGING COMMERCIAL**
3 **SATELLITE REMOTE SENSING.**

4 (a) **DOMESTIC DEFINED.**—Section 1612(c) of the
5 William M. (Mac) Thornberry National Defense Author-
6 ization Act for Fiscal Year 2021 (Public Law 116–283;
7 10 U.S.C. 441 note) is amended—

8 (1) by redesignating paragraph (4) as para-
9 graph (5); and

10 (2) by inserting after paragraph (3) the fol-
11 lowing new paragraph (4):

12 “(4) The term ‘domestic’ includes, with respect
13 to commercial capabilities or services covered by this
14 section, capabilities or services provided by compa-
15 nies that operate in the United States and have ac-
16 tive mitigation agreements pursuant to the National
17 Industrial Security Program.”.

18 (b) **EFFECTIVE DATE.**—The amendments made by
19 subsection (a) shall take effect as if included in the enact-
20 ment of the William M. (Mac) Thornberry National De-
21 fense Authorization Act for Fiscal Year 2021 (Public Law
22 116–283), including with respect to any requests for pro-
23 posals or rules issued pursuant to section 1612 of such
24 Act.

1 **SEC. 1608. NATIONAL SECURITY COUNCIL BRIEFING ON PO-**
2 **TENTIAL HARMFUL INTERFERENCE TO**
3 **GLOBAL POSITIONING SYSTEM.**

4 (a) **REQUIREMENT.**—Not later than 30 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall provide to the National Security Council, the Sec-
7 retary of Commerce, and the Commissioners of the Fed-
8 eral Communications Commission a briefing at the highest
9 level of classification on the current assessment of the De-
10 partment of Defense, as of the date of the briefing, regard-
11 ing the potential for harmful interference to the Global
12 Positioning System, mobile satellite services, or other tac-
13 tical or strategic systems of the Department of Defense,
14 from commercial terrestrial operations and mobile satellite
15 services using the 1525–1559 megahertz band and the
16 1626.5–1660.5 megahertz band.

17 (b) **MATTERS INCLUDED.**—The briefing under sub-
18 section (a) shall include—

19 (1) potential operational impacts that have been
20 studied within the megahertz bands specified in such
21 subsection; and

22 (2) impacts that could be mitigated, if any, in-
23 cluding how such mitigations could be implemented.

24 (c) **CONGRESSIONAL BRIEFING.**—Not later than
25 seven days after the date on which the Secretary provides
26 the briefing under subsection (a), the Secretary shall pro-

1 vide to the appropriate congressional committees such
2 briefing.

3 (d) INDEPENDENT TECHNICAL REVIEW.—The Sec-
4 retary shall carry out subsections (a) an (c) regardless of
5 whether the independent technical review conducted pur-
6 suant to section 1663 of the William M. (Mac) Thornberry
7 National Defense Authorization Act for Fiscal Year 2021
8 (Public Law 116–283) has been completed.

9 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the congressional defense committees; and

13 (2) the Committee on Energy and Commerce of
14 the House of Representatives and the Committee on
15 Commerce, Science, and Transportation of the Sen-
16 ate.

17 **SEC. 1609. LIMITATION ON AVAILABILITY OF FUNDS FOR**
18 **PROTOTYPE PROGRAM FOR MULTIGLOBAL**
19 **NAVIGATION SATELLITE SYSTEM RECEIVER**
20 **DEVELOPMENT.**

21 Of the funds authorized to be appropriated by this
22 Act or otherwise made available for fiscal year 2022 for
23 the Office of the Secretary of the Air Force, not more than
24 80 percent may be obligated or expended until the date
25 on which the Secretary of Defense—

1 (1) certifies to the congressional defense com-
2 mittees that the Secretary of the Air Force is car-
3 rying out the program required under section 1607
4 of the National Defense Authorization Act for Fiscal
5 Year 2020 (Public Law 116–92; 133 Stat. 1724);
6 and

7 (2) provides to the Committees on Armed Serv-
8 ices of the House of Representatives and the Senate
9 a briefing on how the Secretary is implementing
10 such program, including with respect to addressing
11 each element specified in subsection (b) of such sec-
12 tion.

13 **SEC. 1610. REPORT ON SPACE DEBRIS.**

14 (a) **IN GENERAL.**—Not later than 240 days after the
15 date of the enactment of this Act, the Secretary of Defense
16 shall submit to the appropriate congressional committees
17 a report on the risks posed by man-made space debris in
18 low-earth orbit, including—

19 (1) recommendations with respect to the reme-
20 diation of such risks; and

21 (2) outlines of plans to reduce the incident of
22 such space debris.

23 (b) **APPROPRIATE CONGRESSIONAL COMMITTEES**
24 **DEFINED.**—In this section, the term “appropriate con-
25 gressional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Science, Space, and Technology of the
3 House of Representatives; and

4 (2) the Committee on Armed Services and Com-
5 mittee on Commerce, Science, and Transportation of
6 the Senate.

7 **SEC. 1610A. NATIONAL SPACE COUNCIL BRIEFING ON**
8 **THREATS TO UNITED STATES SPACE SYS-**
9 **TEMS.**

10 (a) **IN GENERAL.**—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall provide to the National Space Council, the Secretary
13 of Commerce, the Secretary of Transportation, and the
14 Administrator of the National Aeronautics and Space Ad-
15 ministration a briefing at the highest level of classification
16 on the current assessment of the Department of Defense,
17 as of the date of the briefing, regarding safety threats
18 posed to United States civilian and commercial space sys-
19 tems in space by adversarial foreign governments and
20 other foreign governments, with a particular emphasis on
21 threats posed by China’s activities in space and debris
22 arising from any ongoing or future work by China on anti-
23 satellite weapons technology.

24 (b) **CONGRESSIONAL BRIEFING.**—Not later than 15
25 days after the date on which the Secretary of Defense pro-

1 vides the briefing under subsection (a), the Secretary shall
2 provide such briefing to—

3 (1) the Committees on Armed Services, Energy
4 and Commerce, Transportation and Infrastructure,
5 and Science, Space, and Technology of the House of
6 Representatives; and

7 (2) the Committees on Armed Services and
8 Commerce, Science, and Transportation of the Sen-
9 ate.

10 **SEC. 1610B. LEVERAGING COMMERCIAL ON-ORBIT SAT-**
11 **ELLITE SERVICING.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) National security depends on reliable access
14 to, and safe operations in, space. Modern society is
15 reliant on space operations, but most spacecraft
16 today are designed to be discarded at end-of-mission,
17 leaving potential gaps in mission continuity and con-
18 tributing to risk in the space domain.

19 (2) Existing and future critical Department of
20 Defense missions operating in space and providing
21 multidomain support would benefit from the applica-
22 tion of commercial On-orbit Servicing, Assembly,
23 and Manufacturing (in this section referred to as
24 “OSAM”) capabilities, which extend the longevity
25 and operability of national security space systems

1 through inspection, repair, refueling, and mitigation
2 of debris.

3 (3) Because the domain in which space systems
4 operate is increasingly congested, the risk of colli-
5 sions and orbital debris generation has increased, a
6 risk that is exacerbated by a lack of utilization of
7 OSAM services. A secure, stable, and accessible
8 space domain is paramount to the unimpeded and
9 resilient operations of civil, military, intelligence, and
10 commercial space assets by the United States and
11 its allies. OSAM technologies support Department of
12 Defense strategy by improving the adaptability and
13 efficiency of existing and future military space archi-
14 tectures.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) Congress strongly encourages the Secretary
18 of Defense to invest in developing technologies to
19 support the advancement of debris remediation, such
20 as rendezvous, proximity operations, and debris re-
21 moval as an element of OSAM;

22 (2) because of the importance of the space do-
23 main, the Secretary should seek ways to collaborate
24 with United States industry partners and allied na-
25 tions;

1 (3) beyond technology development, the Sec-
2 retary and the intelligence community should con-
3 sider satellite servicing and active disposal as a via-
4 ble operational trade-off—in this way, in the future,
5 a back-up disposal plan using direct retrieval should
6 be a preferred and viable method for relevant or off-
7 nominal missions.

8 (c) REPORT.—Not later than December 3, 2021, the
9 Secretary of Defense, in consultation with the Director of
10 National Intelligence and the Administrator of the Na-
11 tional Aeronautics and Space Administration, shall submit
12 to the appropriate congressional committees a report
13 that—

14 (1) identifies critical investment areas for the
15 further development and usage of commercial OSAM
16 technologies and capabilities to meet emerging and
17 changing government space mission needs on-orbit;
18 and

19 (2) includes a plan for interagency engagement
20 in the standardization and adoption of commercial
21 OSAM interfaces for government space systems.

22 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
23 DEFINED.—In this section, the term “appropriate con-
24 gressional committees” means—

25 (1) the congressional defense committees;

1 (2) the Committee on Science, Space, and
2 Technology and the Permanent Select Committee on
3 Intelligence of the House of Representatives; and

4 (3) the Committee on Commerce, Science, and
5 Transportation and the Select Committee on Intel-
6 ligence of the Senate.

7 **SEC. 1610C. REPORT ON SENSING CAPABILITIES OF THE**
8 **DEPARTMENT OF DEFENSE TO ASSIST FIGHT-**
9 **ING WILDFIRES.**

10 (a) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Secretary of Defense,
12 in consultation with the Director of National Intelligence
13 and any other head of an agency or department the Sec-
14 retary determines appropriate, shall submit to the appro-
15 priate congressional committees a report on the capabili-
16 ties of the Department of Defense to assist fighting
17 wildfires through the use and analysis of satellite and
18 other aerial survey technology.

19 (b) MATTERS INCLUDED.—The report under sub-
20 section (a) shall include the following:

21 (1) An examination of the current and future
22 sensing requirements for the wildfire fighting and
23 analysis community.

24 (2) Identification of assets of the Department
25 of Defense and intelligence community that can pro-

1 vide data that is relevant to the requirements under
2 paragraph (1), including an examination of such as-
3 sets that—

4 (A) are currently available;

5 (B) are in development; and

6 (C) have been formally proposed by a de-
7 partment or agency of the Federal Government,
8 but which have not yet been approved by Con-
9 gress.

10 (3) With respect to the assets identified under
11 paragraph (2)(A), an examination of how close the
12 data such assets provide comes to meeting the wild-
13 fire management and suppression community needs.

14 (4) An identification of the total and breakdown
15 of costs reimbursed to the Department of Defense
16 during the five-year period preceding the date of the
17 report for reimbursable requests for assistance from
18 lead departments or agencies of the Federal Govern-
19 ment responding to natural disasters.

20 (5) A discussion of issues involved in producing
21 unclassified products using unclassified and classi-
22 fied assets, and policy options for Congress regard-
23 ing that translation, including by explicitly address-
24 ing classification choices that could ease the applica-

1 tion of data from such assets to wildfire detection
2 and tracking.

3 (6) Identification of options to address gaps be-
4 tween requirements and capabilities to be met by ad-
5 ditional solutions, whether from the Department of
6 Defense, the intelligence community, or from the
7 civil or commercial domain.

8 (7) A retrospective analysis to determine wheth-
9 er the existing data could have been used to defend
10 against past fires.

11 (8) Options for the Department of Defense to
12 assist the Department of Agriculture, the Depart-
13 ment of the Interior, the Department of Energy, the
14 National Aeronautics and Space Administration, the
15 National Oceanic and Atmospheric Administration,
16 the National Institute of Standards and Technology,
17 the National Science Foundation, and State and
18 local governments in identifying and responding to
19 wildfires.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “appropriate congressional com-
22 mittees” means the following:

23 (A) The Committee on Armed Services, the
24 Committee on Agriculture, the Committee on
25 Natural Resources, the Committee on Science,

1 Space, and Technology, and the Permanent Se-
2 lect Committee on Intelligence of the House of
3 Representatives.

4 (B) The Committee on Armed Services,
5 the Committee on Agriculture, Nutrition, and
6 Forestry, the Committee on Commerce, Science,
7 and Transportation, the Committee on Energy
8 and Natural Resources, and the Select Com-
9 mittee on Intelligence of the Senate.

10 (2) The term “intelligence community” has the
11 meaning given that term in section 3 of the National
12 Security Act of 1947 (50 U.S.C. 3003).

13 **SEC. 1610D. NON-GEOSTATIONARY ORBIT SATELLITE CON-**
14 **STELLATIONS.**

15 (a) FINDING.—Congress finds that modern high-
16 throughput non-geostationary orbit satellite constellations
17 provide robust commercial satellite communication capa-
18 bilities that enable current military operations and facili-
19 tate advanced communications networks that would pro-
20 vide significant quality of life enhancements for deployed
21 personnel of the Navy.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of Defense,
24 in consultation with the Secretaries of the military depart-
25 ments and heads of the Defense Agencies, shall submit

1 to the congressional defense committees a report on cur-
2 rent commercial satellite communication initiatives, par-
3 ticularly with respect to new non-geostationary orbit sat-
4 ellite technologies, the Navy has employed to increase sat-
5 ellite communication throughput to afloat platforms cur-
6 rently constrained by legacy capabilities. The report shall
7 include the following:

8 (1) A potential investment strategy concerning
9 how to operationalize commercial satellite commu-
10 nication capabilities using non-geostationary orbit
11 satellites across the fleet, including—

12 (A) requisite funding required to ade-
13 quately prioritize and accelerate the integration
14 of such capabilities into Navy warfighting sys-
15 tems; and

16 (B) future-year spending projections for
17 such efforts that align with other satellite com-
18 munication investments of the Department.

19 (2) An integrated satellite communications ref-
20 erence architecture roadmap for the Navy to achieve
21 a resilient, secure network for operationalizing com-
22 mercial satellite communication capabilities using
23 non-geostationary orbit satellites across the Navy
24 that is capable of leveraging multi-band and multi-
25 orbit architectures, including requirements that en-

1 able maximum use of commercially available tech-
2 nologies.

3 **Subtitle B—Defense Intelligence**
4 **and Intelligence-Related Activities**

5 **SEC. 1611. NOTIFICATION OF CERTAIN THREATS TO**
6 **UNITED STATES ARMED FORCES BY FOREIGN**
7 **GOVERNMENTS.**

8 (a) DETERMINATION THAT FOREIGN GOVERNMENT
9 INTENDS TO CAUSE THE DEATH OF OR SERIOUS BODILY
10 INJURY TO MEMBERS OF THE ARMED FORCES.—The
11 Secretary of Defense shall carry out the notification re-
12 quirements under subsection (b) whenever the Secretary,
13 in consultation with the Director of National Intelligence,
14 determines with high confidence that, on or after the date
15 of the enactment of this Act, an official of a foreign gov-
16 ernment plans or takes some other substantial step that—

17 (1) is intended to cause the death of, or serious
18 bodily injury to, any member of the United States
19 Armed Forces, whether through direct means or in-
20 direct means, including through a promise or agree-
21 ment by the foreign government to pay anything of
22 pecuniary value to an individual or organization in
23 exchange for causing such death or injury; or

24 (2) with respect to such a foreign government
25 that the Secretary of State has determined, for pur-

1 poses of section 1754(c) of the Export Controls Act
2 of 2018 (50 U.S.C. 4813), is a government that has
3 repeatedly provided support for acts of international
4 terrorism, is intended to cause the abduction, death
5 of, or serious bodily injury to, any citizen or resident
6 of the United States located in the United States,
7 whether through direct or such indirect means.

8 (b) NOTICE TO CONGRESS.—

9 (1) NOTIFICATION.—Except as provided in
10 paragraph (3), not later than 14 days after making
11 a determination under subsection (a), the Secretary
12 shall notify the congressional leadership, the con-
13 gressional intelligence committees and, consistent
14 with the protection of sources and methods, the ap-
15 propriate congressional committees of such deter-
16 mination. Such notification shall include, at a min-
17 imum, the following:

18 (A) A description of the nature and extent
19 of the effort by the foreign government to tar-
20 get members of the United States Armed
21 Forces or citizens or residents of the United
22 States described in paragraph (2) of such sub-
23 section.

24 (B) An assessment of what specific offi-
25 cials, agents, entities, and departments within

1 the foreign government ordered, authorized, or
2 had knowledge of the effort.

3 (C) An assessment of the motivations of
4 the foreign government for undertaking such an
5 effort.

6 (D) An assessment of whether the effort of
7 the foreign government was a substantial factor
8 in the death or serious bodily injury of any
9 member of the United States Armed Forces or
10 citizen or resident of the United States de-
11 scribed in paragraph (2) of such subsection, or
12 the abduction of such a citizen or resident.

13 (E) Any other information the Secretary
14 determines appropriate.

15 (2) OPTION FOR BRIEFING.—Upon the request
16 of a congressional recipient specified in paragraph
17 (1) after being notified of a determination under
18 such paragraph, the Secretary shall provide to the
19 recipient a briefing on the contents of the notifica-
20 tion.

21 (3) PROTECTION OF SOURCES AND METH-
22 ODS.—This subsection shall be carried out in a man-
23 ner that is consistent with the protection of sources
24 and methods.

25 (c) DEFINITIONS.—In this section:

1 (1) The term “anything of pecuniary value” has
2 the meaning given that term in section 1958(b)(1)
3 of title 18, United States Code.

4 (2) The term “appropriate congressional com-
5 mittees” means the following:

6 (A) The Committee on Armed Services and
7 the Committee on Foreign Affairs of the House
8 of Representatives.

9 (B) The Committee on Armed Services and
10 the Committee on Foreign Relations of the Sen-
11 ate.

12 (3) The terms “congressional intelligence com-
13 mittees” and “intelligence community” have the
14 meaning given those terms in section 3 of the Na-
15 tional Security Act of 1947 (50 U.S.C. 3003).

16 (4) The term “congressional leadership” in-
17 cludes the following:

18 (A) The majority leader of the Senate.

19 (B) The minority leader of the Senate.

20 (C) The Speaker of the House of Rep-
21 resentatives.

22 (D) The minority leader of the House of
23 Representatives.

24 (5) The term “determines with high con-
25 fidence”—

1 (A) means that the official making the de-
2 termination—

3 (i) has concluded that the judgments
4 in the determination are based on sound
5 analytic argumentation and high-quality,
6 consistent reporting from multiple sources,
7 including through clandestinely obtained
8 documents, clandestine and open source re-
9 porting, and in-depth expertise;

10 (ii) with respect to such judgments,
11 has concluded that the intelligence commu-
12 nity has few intelligence gaps and few as-
13 sumptions underlying the analytic line and
14 that the intelligence community has con-
15 cluded that the potential for deception is
16 low; and

17 (iii) has examined long-standing ana-
18 lytic judgments and considered alternatives
19 in making the determination; but

20 (B) does not mean that the official making
21 the determination has concluded that the judg-
22 ments in the determination are fact or cer-
23 tainty.

24 (6) The term “direct means” means without the
25 use of intermediaries.

1 (7) The term “foreign government” means the
2 government of a foreign country with which the
3 United States is at peace.

4 (8) The term “indirect means” means through,
5 or with the assistance of, intermediaries.

6 **SEC. 1612. STRATEGY AND PLAN TO IMPLEMENT CERTAIN**
7 **DEFENSE INTELLIGENCE REFORMS.**

8 (a) **STRATEGY AND PLAN.**—The Secretary of De-
9 fense, in coordination with the Director of National Intel-
10 ligence, shall develop and implement a strategy and plan
11 to better support the intelligence priorities of the com-
12 manders of the combatant commands, including with re-
13 spect to efforts to counter in the open malign activities
14 of adversaries of the United States.

15 (b) **MATTERS INCLUDED IN PLAN.**—The plan under
16 subsection (a) shall include the following:

17 (1) A plan to adapt policies and procedures to
18 assemble and release facts about the malign activi-
19 ties of an adversary described in such subsection in
20 a timely way and in forms that allow for greater dis-
21 tribution and release.

22 (2) A plan to develop and publish validated pri-
23 ority intelligence requirements of the commanders of
24 the combatant commands.

1 (3) A plan to elevate open-source intelligence to
2 a foundational intelligence for strategic intelligence
3 that is treated on par with information collected
4 from classified means (for example, human intel-
5 ligence, signals intelligence, and geospatial intel-
6 ligence).

7 (4) A plan for expanding the use of unclassified
8 intelligence in order to combat threats from
9 disinformation and misinformation by foreign adver-
10 saries.

11 (5) A review by each element of the intelligence
12 community of the approaches used by that ele-
13 ment—

14 (A) with respect to intelligence that has
15 not been processed or analyzed, to separate out
16 data from the sources and methods by which
17 the data is obtained (commonly known as
18 “tearlining”); and

19 (B) with respect to finished intelligence
20 products that relate to malign activities of an
21 adversary described in subsection (a), to down-
22 grade the classification level of the product.

23 (c) CONGRESSIONAL BRIEFING.—Not later than one
24 year after the date of the enactment of this Act, and annu-
25 ally thereafter through December 31, 2026, the Secretary

1 and the Director shall jointly provide to the appropriate
2 congressional committees a briefing on the strategy and
3 plan under subsection (a).

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means the following:

7 (1) The congressional defense committees.

8 (2) The Committee on the Judiciary and the
9 Permanent Select Committee on Intelligence of the
10 House of Representatives.

11 (3) The Committee on the Judiciary and the
12 Select Committee on Intelligence of the Senate.

13 **SEC. 1613. AUTHORITY OF UNDER SECRETARY OF DEFENSE**
14 **FOR INTELLIGENCE AND SECURITY TO EN-**
15 **GAGE IN FUNDRAISING FOR CERTAIN NON-**
16 **PROFIT ORGANIZATIONS.**

17 Section 422 of title 10, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(c) FUNDRAISING.—(1) The Under Secretary of De-
21 fense for Intelligence and Security may engage in fund-
22 raising in an official capacity for the benefit of nonprofit
23 organizations that provide support—

24 “(A) to surviving dependents of deceased em-
25 ployees of the Defense Intelligence Enterprise; or

1 “(B) for the welfare, education, or recreation of
2 employees and former employees of the Defense In-
3 telligence Enterprise and the dependents of such em-
4 ployees and former employees.

5 “(2) The Under Secretary may delegate the authority
6 under paragraph (1) to—

7 “(A) the heads of the components of the De-
8 partment of Defense that are elements of the intel-
9 ligence community;

10 “(B) the senior intelligence officers of the
11 Armed Forces and the regional and functional com-
12 batant commands;

13 “(C) the Director for Intelligence of the Joint
14 Chiefs of Staff; and

15 “(D) the senior officials of other elements of
16 the Department of Defense that perform intelligence
17 functions.

18 “(3) Not later than seven days after the date on
19 which the Under Secretary or an official specified in para-
20 graph (2) engages in fundraising pursuant to paragraph
21 (1), or at the time at which the Under Secretary or an
22 official makes a determination to engage in such fund-
23 raising, the Under Secretary shall notify the appropriate
24 congressional committees of such fundraising.

25 “(4) In this subsection:

1 “(A) The term ‘appropriate congressional com-
2 mittees’ means—

3 “(i) the Committees on Armed Services of
4 the House of Representatives and the Senate;
5 and

6 “(ii) the Permanent Select Committee on
7 Intelligence of the House of Representatives
8 and the Select Committee on Intelligence of the
9 Senate.

10 “(B) The term ‘Defense Intelligence Enterprise’
11 has the meaning given that term in section
12 426(b)(4)(B) of this title.

13 “(C) The term ‘fundraising’ means the raising
14 of funds through the active participation in the pro-
15 motion, production, or presentation of an event de-
16 signed to raise funds and does not include the direct
17 solicitation of money by any other means.

18 “(D) The term ‘intelligence community’ has the
19 meaning given that term in section 3 of the National
20 Security Act of 1947 (50 U.S.C. 3003).”.

21 **SEC. 1614. EXECUTIVE AGENT FOR EXPLOSIVE ORDNANCE**

22 **INTELLIGENCE.**

23 (a) IN GENERAL.—Subchapter I of chapter 21 of title
24 10, United States Code, is amended by adding at the end
25 the following new section:

1 **“§ 430c. Executive agent for explosive ordnance intel-**
2 **ligence**

3 “(a) DESIGNATION.—The Secretary of Defense shall
4 designate the Director of the Defense Intelligence Agency
5 as the executive agent for explosive ordnance intelligence.

6 “(b) DEFINITIONS.—In this section:

7 “(1) The term ‘explosive ordnance intelligence’
8 means technical intelligence relating to explosive
9 ordnance (as defined in section 283(d) of this title),
10 including with respect to the processing, production,
11 dissemination, integration, exploitation, evaluation,
12 feedback, and analysis of explosive ordnance using
13 the skills, techniques, principles, and knowledge of
14 explosive ordnance disposal personnel regarding
15 fuzing, firing systems, ordnance disassembly, and
16 development of render safe techniques, procedures
17 and tools, publications, and applied technologies.

18 “(2) The term ‘executive agent’ has the mean-
19 ing given the term ‘DoD Executive Agent’ in Direc-
20 tive 5101.1.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 430b the following new
24 item:

“430c. Executive agent for explosive ordnance intelligence.”.

1 (c) DATE OF DESIGNATION.—The Secretary of De-
2 fense shall make the designation under section 430c of
3 title 10, United States Code, as added by subsection (a),
4 by not later than 30 days after the date of the enactment
5 of this Act.

6 **SEC. 1615. INCLUSION OF EXPLOSIVE ORDNANCE INTEL-**
7 **LIGENCE IN DEFENSE INTELLIGENCE AGEN-**
8 **CY ACTIVITIES.**

9 Section 105 of the National Security Act of 1947 (50
10 U.S.C. 3038) is amended—

11 (1) in subsection (b)(5), by striking “human in-
12 telligence and” and inserting “explosive ordnance in-
13 telligence, human intelligence, and”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(e) EXPLOSIVE ORDNANCE INTELLIGENCE DE-
17 FINED.—In this section, the term ‘explosive ordnance in-
18 telligence’ means technical intelligence relating to explo-
19 sive ordnance (as defined in section 283(d) of title 10,
20 United States Code), including with respect to the proc-
21 essing, production, dissemination, integration, exploi-
22 tation, evaluation, feedback, and analysis of explosive ord-
23 nance using the skills, techniques, principles, and knowl-
24 edge of explosive ordnance disposal personnel regarding
25 fuzing, firing systems, ordnance disassembly, and develop-

1 ment of render safe techniques, procedures and tools, pub-
2 lications, and applied technologies.”.

3 **SEC. 1616. MODIFICATION OF REQUIREMENT FOR ANNUAL**
4 **REPORTS ON VULNERABILITIES EQUITIES**
5 **PROCESS.**

6 Section 6720(c) of the Damon Paul Nelson and Mat-
7 thew Young Pollard Intelligence Authorization Act for
8 Fiscal Years 2018, 2019, and 2020 (Public Law 116–92;
9 50 U.S.C. 3316a) is amended—

10 (1) in paragraph (1)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “classified”;

13 (B) in subparagraph (B), by striking “;
14 and” and inserting a semicolon;

15 (C) in subparagraph (C), by striking the
16 period at the end and inserting a semicolon;
17 and

18 (D) by adding at the end the following new
19 subparagraphs:

20 “(E) the aggregate number of
21 vulnerabilities disclosed to vendors or the public
22 pursuant to the Vulnerabilities Equities Proc-
23 ess;

24 “(F) the aggregate number of
25 vulnerabilities disclosed to vendors or the public

1 pursuant to the Vulnerabilities Equities Process
2 known to have been patched;

3 “(G) the number of times the
4 Vulnerabilities Equities Process resulted in a
5 decision to disclose a vulnerability;

6 “(H) the number of times the
7 Vulnerabilities Equities Process resulted in a
8 decision not to disclose a vulnerability;

9 “(I) the number of times a decision de-
10 scribed in subparagraph (G) was the result of
11 a unanimous agreement of the participants in
12 the Vulnerabilities Equities Process;

13 “(J) the number of times a decision de-
14 scribed in subparagraph (H) was the result of
15 a unanimous agreement of the participants in
16 the Vulnerabilities Equities Process;

17 “(K) the number of appeals made through
18 the Vulnerabilities Equities Process by partici-
19 pants in such process of a preliminary deter-
20 mination to disclose a vulnerability;

21 “(L) the number of appeals made through
22 the Vulnerabilities Equities Process by partici-
23 pants in such process of a preliminary deter-
24 mination not to disclose a vulnerability;

1 “(M) the number of times a preliminary
2 determination was reversed pursuant to an ap-
3 peal described in subparagraph (K); and

4 “(N) the number of times a preliminary
5 determination was reversed pursuant to an ap-
6 peal described in subparagraph (L).”;

7 (2) by amending paragraph (2) to read as fol-
8 lows:

9 “(2) FORM AND PUBLICATION.—

10 “(A) FORM.—Each report submitted under
11 paragraph (1) shall be submitted in unclassified
12 form, but may include a classified annex.

13 “(B) PUBLICATION.—The Director shall
14 make available to the public the unclassified
15 portion of each report submitted under para-
16 graph (1).”.

17 **Subtitle C—Nuclear Forces**

18 **SEC. 1621. EXERCISES OF NUCLEAR COMMAND, CONTROL,**

19 **AND COMMUNICATIONS SYSTEM.**

20 (a) REQUIREMENT.—Chapter 24 of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new section:

1 **“§ 499b. Exercises of nuclear command, control, and**
2 **communications system**

3 “(a) **REQUIRED EXERCISES.**—Except as provided by
4 subsection (b), beginning 2022, the President shall partici-
5 pate in a large-scale exercise of the nuclear command, con-
6 trol, and communications system during the first year of
7 each term of the President, and may participate in such
8 additional exercises as the President determines appro-
9 priate.

10 “(b) **WAIVER.**—The President may waive, on a case-
11 by-case basis, the requirement to participate in an exercise
12 under subsection (a) if the President—

13 “(1) determines that participating in such an
14 exercise is infeasible by reason of a war declared by
15 Congress, a national emergency declared by the
16 President or Congress, a public health emergency
17 declared by the Secretary of Health and Human
18 Services under section 319 of the Public Health
19 Service Act (42 U.S.C. 247d), or other similar exi-
20 gent circumstance; and

21 “(2) submits to the congressional defense com-
22 mittees a notice of the waiver and a description of
23 such determination.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“499b. Exercises of nuclear command, control, and communications system.”.

4 **SEC. 1622. INDEPENDENT REVIEW OF NUCLEAR COMMAND,**
5 **CONTROL, AND COMMUNICATIONS SYSTEM.**

6 (a) REVIEW.—Not later than 30 days after the date
7 of the enactment of this Act, the Secretary of Defense
8 shall seek to enter into an agreement with the National
9 Academies of Sciences, Engineering, and Medicine under
10 which the National Academies shall conduct a review of
11 the current plans, policies, and programs of the nuclear
12 command, control, and communications system, and such
13 plans, policies, and programs that are planned through
14 2030.

15 (b) MATTERS INCLUDED.—The review under sub-
16 section (a) shall include a review of each of the following:

17 (1) The plans, policies, and programs described
18 in such subsection.

19 (2) The programmatic challenges and risks to
20 the nuclear command, control, and communications
21 system.

22 (3) Emerging technologies and how such tech-
23 nologies may be applied to the next generation of the
24 nuclear command, control, and communications sys-
25 tem.

1 (4) The security and surety of the nuclear com-
2 mand, control, and communications system.

3 (5) Threats to the nuclear command, control,
4 and communications system that may occur through
5 2030.

6 (c) BRIEFING.—Not later than September 1, 2022,
7 the National Academies shall provide the congressional de-
8 fense committees an interim briefing on the review under
9 subsection (a).

10 (d) REPORT.—Not later than March 1, 2023, the Na-
11 tional Academies shall submit to the Secretary and the
12 congressional defense committees a report containing the
13 review under subsection (a).

14 **SEC. 1623. REVIEW OF SAFETY, SECURITY, AND RELI-**
15 **ABILITY OF NUCLEAR WEAPONS AND RE-**
16 **LATED SYSTEMS.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) On December 20, 1990, Secretary of De-
19 fense Cheney chartered a five-person independent
20 committee known as the Federal Advisory Com-
21 mittee on Nuclear Failsafe and Risk Reduction to
22 assess the capability of the nuclear weapon com-
23 mand and control system to meet the dual require-
24 ments of assurance against unauthorized use of nu-
25 clear weapons and assurance of timely, reliable exe-

1 cution when authorized, and to identify opportunities
2 for positive measures to enhance failsafe features.

3 (2) The Federal Advisory Committee, chaired
4 by Ambassador Jeane J. Kirkpatrick, recommended
5 changes in the nuclear enterprise, as well as policy
6 proposals to reduce the risks posed by unauthorized
7 launches and miscalculation.

8 (3) The Federal Advisory Committee found, un-
9 ambiguously, that “failsafe and oversight enhance-
10 ments are possible”.

11 (4) Since 1990, new threats to the nuclear en-
12 terprise have arisen in the cyber, space, and infor-
13 mation warfare domains.

14 (5) Ensuring the continued assurance of the
15 nuclear command, control, and communications in-
16 frastructure is essential to the national security of
17 the United States.

18 (b) REVIEW.—The Secretary of Defense shall provide
19 for the conduct of an independent review of the safety,
20 security, and reliability of covered nuclear systems. The
21 Secretary shall ensure that such review is conducted in
22 a manner similar to the review conducted by the Federal
23 Advisory Committee on Nuclear Failsafe and Risk Reduc-
24 tion.

1 (c) MATTERS INCLUDED.—The review conducted
2 pursuant to subsection (b) shall include the following:

3 (1) Plans for modernizing the covered nuclear
4 systems, including options and recommendations for
5 technical, procedural, and policy measures that could
6 strengthen safeguards, improve the security and reli-
7 ability of digital technologies, and prevent cyber-re-
8 lated and other risks that could lead to the unau-
9 thorized or inadvertent use of nuclear weapons as
10 the result of an accident, misinterpretation, mis-
11 calculation, terrorism, unexpected technological
12 breakthrough, or deliberate act.

13 (2) Options and recommendations for nuclear
14 risk reduction measures, focusing on confidence
15 building and predictability, that the United States
16 could carry out alone or with near-peer adversaries
17 to strengthen safeguards against the unauthorized
18 or inadvertent use of a nuclear weapon and to re-
19 duce nuclear risks.

20 (d) SUBMISSION.—Not later than one year after the
21 date of the enactment of this Act, the Secretary shall sub-
22 mit to the congressional defense committees the review
23 conducted pursuant to subsection (b).

24 (e) PREVIOUS REVIEW.—Not later than 30 days after
25 the date of the enactment of this Act, the Secretary shall

1 submit to the congressional defense committees the final
2 report of the Federal Advisory Committee on Nuclear
3 Failsafe and Risk Reduction.

4 (f) COVERED NUCLEAR SYSTEMS DEFINED.—In this
5 section, the term “covered nuclear systems” means the fol-
6 lowing systems of the United States:

7 (1) The nuclear weapons systems.

8 (2) The nuclear command, control, and commu-
9 nications system.

10 (3) The integrated tactical warning/attack as-
11 sessment system.

12 **SEC. 1624. REVIEW OF ENGINEERING AND MANUFAC-**
13 **TURING DEVELOPMENT CONTRACT FOR**
14 **GROUND-BASED STRATEGIC DETERRENT**
15 **PROGRAM.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) In September 2020, the Air Force awarded
18 the engineering and manufacturing development con-
19 tract for the ground-based strategic deterrent pro-
20 gram.

21 (2) The total development cost of the ground-
22 based strategic deterrent program is expected to be
23 approximately \$100,000,000,000.

24 (3) The Vice Chairman of the Joint Chiefs of
25 Staff recently noted that “we have got to make [the

1 ground-based strategic deterrent program] more af-
2 fordable. A three-stage, solid rocket ICBM should
3 not cost as much as the forecast says it costs for
4 now. After meeting with the program office at Nor-
5 throp Grumman multiple times I think that program
6 can come in significantly cheaper. It's designed cor-
7 rectly. It's a digital engineering process that should
8 be able to build things quickly and much more effec-
9 tively.”.

10 (4) The Air Force has placed significant impor-
11 tance on digital engineering in achieving cost and
12 schedule requirements with respect to the ground-
13 based strategic deterrent program.

14 (b) REVIEW.—

15 (1) REQUIREMENT.—The Secretary of the Air
16 Force shall provide for the conduct of a review of
17 the implementation and the execution of the engi-
18 neering and manufacturing development contract for
19 the ground-based strategic deterrent program.

20 (2) MATTERS INCLUDED.—The review under
21 paragraph (1) shall include the following:

22 (A) An analysis of the ability of the Air
23 Force to implement industry best practices dur-
24 ing the engineering and manufacturing develop-

1 ment phase of the ground-based strategic deter-
2 rent program.

3 (B) A review of the challenges the Air
4 Force faces in implementing such industry best
5 practices.

6 (C) A review of the ability of the Air Force
7 to leverage digital engineering during such engi-
8 neering and manufacturing development phase.

9 (D) A review of any options that may be
10 available to the Air Force to reduce cost and in-
11 troduce competition within the operations and
12 maintenance phase of the ground-based stra-
13 tegic deterrent program.

14 (E) Recommendations to improve the cost,
15 schedule, and program management of the
16 ground-based strategic deterrent program.

17 (3) EXPERTISE.—The Secretary shall ensure
18 that the review under paragraph (1) is conducted by
19 individuals from the public and private sector, in-
20 cluding not fewer than two individuals—

21 (A) who are not employees or officers of
22 the Department of Defense or a contractor of
23 the Department; and

24 (B) who have experience outside of the de-
25 fense industry.

1 (4) PROVISION OF INFORMATION.—The Sec-
2 retary shall provide to the individuals conducting the
3 review under paragraph (1) all information nec-
4 essary for the review.

5 (5) SECURITY CLEARANCES.—The Secretary
6 shall ensure that each individual who conducts the
7 review under paragraph (1) holds a security clear-
8 ance at the appropriate level for such review.

9 (c) REPORT.—Not later than 270 days after the date
10 of the enactment of this Act, the Secretary shall submit
11 to the congressional defense committees a report con-
12 taining the review under subsection (b)(1). The report
13 shall be submitted in unclassified form and shall include
14 a classified annex.

15 (d) BRIEFING.—Not later than 90 days after the date
16 on which the Secretary submits the report under sub-
17 section (c), the Secretary shall provide to the congressional
18 defense committees a briefing on implementing the rec-
19 ommendations contained in the review under subsection
20 (b)(1).

21 **SEC. 1625. LONG-RANGE STANDOFF WEAPON.**

22 (a) LIMITATION.—The Secretary of the Air Force
23 may not award a procurement contract for the long-range
24 standoff weapon until the Secretary submits to the con-
25 gressional defense committees each of the following:

1 (1) An updated cost estimate for the procure-
2 ment portion of the long-range standoff weapon pro-
3 gram that is—

4 (A) informed by the engineering and man-
5 ufacturing development contract, including with
6 respect to any completed flight tests; and

7 (B) independently validated by the Direc-
8 tor of Cost Assessment and Program Evalua-
9 tion.

10 (2) A certification that the future-years defense
11 program submitted to Congress under section 221 of
12 title 10, United States Code, includes, or will in-
13 clude, estimated funding for the program in the
14 amounts specified in the cost estimate under para-
15 graph (1).

16 (3) A copy of the justification and approval
17 documentation regarding the Secretary determining
18 to award a sole-source contract for the program, in-
19 cluding with respect to how the Secretary will man-
20 age the cost of the program in the absence of com-
21 petition.

22 (b) BRIEFING.—Not later than 90 days after the date
23 of the enactment of this Act, the Secretary of the Air
24 Force shall provide to the congressional defense commit-
25 tees a briefing on the execution of the engineering and

1 manufacturing development contract for the long-range
2 standoff weapon, including with respect to—

3 (1) how the timely development of the long-
4 range standoff weapon may serve as a hedge to
5 delays in other nuclear modernization efforts;

6 (2) the effects of potential delays in the W80-
7 4 warhead program on the ability of the long-range
8 standoff weapon to achieve the initial operational ca-
9 pability schedule under section 217 of the National
10 Defense Authorization Act for Fiscal Year 2014
11 (Public Law 113-66; 127 Stat. 706), as most re-
12 cently amended by section 1668 of the National De-
13 fense Authorization Act for Fiscal Year 2020 (Pub-
14 lic Law 116-92; 133 Stat. 1774);

15 (3) options to adjust the budget profile of the
16 long-range standoff weapon program to ensure the
17 program remains on schedule;

18 (4) a plan to reconcile, with respect to the pro-
19 curement portion of the program, the Air Force
20 service cost position and the estimate by the Direc-
21 tor of Cost Assessment and Program Evaluation;
22 and

23 (5) a plan to ensure best value to the United
24 States for such procurement portion.

1 **SEC. 1626. PROHIBITION ON REDUCTION OF THE INTER-**
2 **CONTINENTAL BALLISTIC MISSILES OF THE**
3 **UNITED STATES.**

4 (a) **PROHIBITION.**—Except as provided in subsection
5 (b), none of the funds authorized to be appropriated by
6 this Act or otherwise made available for fiscal year 2022
7 for the Department of Defense may be obligated or ex-
8 pended for the following, and the Department may not
9 otherwise take any action to do the following:

10 (1) Reduce, or prepare to reduce, the respon-
11 siveness or alert level of the intercontinental ballistic
12 missiles of the United States.

13 (2) Reduce, or prepare to reduce, the quantity
14 of deployed intercontinental ballistic missiles of the
15 United States to a number less than 400.

16 (b) **EXCEPTION.**—The prohibition in subsection (a)
17 shall not apply to any of the following activities:

18 (1) The maintenance or sustainment of inter-
19 continental ballistic missiles.

20 (2) Ensuring the safety, security, or reliability
21 of intercontinental ballistic missiles.

1 **SEC. 1627. LIMITATION ON AVAILABILITY OF CERTAIN**
2 **FUNDS UNTIL SUBMISSION OF INFORMATION**
3 **RELATING TO PROPOSED BUDGET FOR NU-**
4 **CLEAR-ARMED SEA-LAUNCHED CRUISE MIS-**
5 **SILE.**

6 Of the funds authorized to be appropriated by this
7 Act or otherwise made available for fiscal year 2022 for
8 the Department of Defense for travel by any personnel
9 of the Office of the Secretary of the Navy, not more than
10 75 percent may be obligated or expended until the Sec-
11 retary of the Navy submits to the congressional defense
12 committees all written communications by personnel of the
13 Department of Defense regarding the proposed budget
14 amount or limitation for the nuclear-armed sea-launched
15 cruise missile contained in the defense budget materials
16 (as defined by section 231(f) of title 10, United States
17 Code) for fiscal year 2022.

18 **SEC. 1628. LIMITATION ON AVAILABILITY OF CERTAIN**
19 **FUNDS UNTIL SUBMISSION OF INFORMATION**
20 **RELATING TO NUCLEAR-ARMED SEA-**
21 **LAUNCHED CRUISE MISSILE.**

22 Of the funds authorized to be appropriated by this
23 Act or otherwise made available for fiscal year 2022 for
24 the Department of Defense for travel by any personnel
25 of the Office of the Secretary of Defense (other than travel
26 by the Secretary of Defense or the Deputy Secretary of

1 Defense), not more than 75 percent may be obligated or
2 expended until the Secretary—

3 (1) submits to the congressional defense com-
4 mittees the analysis of alternatives for the nuclear-
5 armed sea-launched cruise missile; and

6 (2) provides to such committees a briefing on
7 such analysis of alternatives.

8 **SEC. 1629. ANNUAL CERTIFICATION ON READINESS OF MIN-**
9 **UTEMAN III INTERCONTINENTAL BALLISTIC**
10 **MISSILES.**

11 Not later than March 1, 2022, and annually there-
12 after until the date on which the ground-based strategic
13 deterrent weapon achieves initial operating capability, the
14 Chairman of the Joint Chiefs of Staff shall certify to the
15 congressional defense committees whether the state of the
16 readiness of Minuteman III intercontinental ballistic mis-
17 siles requires placing heavy bombers equipped with nuclear
18 gravity bombs or air-launched nuclear cruise missiles, and
19 associated refueling tanker aircraft, on alert status.

20 **SEC. 1630. COST ESTIMATE TO RE-ALERT LONG-RANGE**
21 **BOMBERS.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) On April 20th, 2021, before the Committee
24 on Armed Services of the Senate, the Commander of
25 the United States Strategic Command, Admiral

1 Charles A. Richard, said that the basic design cri-
2 teria in the triad is that “you cannot allow a failure
3 of any one leg of the triad to prevent you from being
4 able to do everything the President has ordered you
5 to do.”.

6 (2) Admiral Richard further stated that in the
7 event of one leg atrophying, “You are completely de-
8 pendent on the submarine leg, and I’ve already told
9 the Secretary of Defense that under those conditions
10 I would request to re-alert the bombers.”.

11 (b) COST ESTIMATE.—The Secretary of the Air
12 Force shall develop a cost estimate with respect to re-
13 alerting long-range bombers in the absence of a ground-
14 based leg of the nuclear triad.

15 **SEC. 1631. NOTIFICATION REGARDING INTERCONTINENTAL**
16 **BALLISTIC MISSILES OF CHINA.**

17 (a) REQUIREMENT.—If the Commander of the
18 United States Strategic Command determines that the
19 number of intercontinental ballistic missiles in the active
20 inventory of China exceeds the number of intercontinental
21 ballistic missiles in the active inventory of the United
22 States, or that the number of nuclear warheads equipped
23 on such missiles of China exceeds the number of nuclear
24 warheads equipped on such missiles of the United States,

1 the Commander shall submit to the congressional defense
2 committees—

3 (1) a notification of such determination;

4 (2) an assessment of the composition of the
5 intercontinental ballistic missiles of China, including
6 the types of nuclear warheads equipped on such mis-
7 siles; and

8 (3) a strategy for deterring China.

9 (b) FORM.—The notification under paragraph (1) of
10 subsection (a) shall be submitted in unclassified form, and
11 the assessment and strategy under paragraphs (2) and (3)
12 of such subsection may be submitted in classified form.

13 (c) TERMINATION.—The requirement under sub-
14 section (a) shall terminate on the date that is four years
15 after the date of the enactment of this Act.

16 **SEC. 1632. INFORMATION REGARDING REVIEW OF MINUTE-**
17 **MAN III SERVICE LIFE EXTENSION PROGRAM.**

18 (a) REQUIREMENT.—The Secretary of Defense shall
19 submit to the congressional defense committees all scoping
20 documents relating to any covered review, including the
21 names, titles, and backgrounds of the individuals of the
22 federally funded research and development center who are
23 conducting the review. The Secretary shall submit such
24 information by the date that is the later of the following:

1 (1) 15 days after the date on which the covered
2 review is initiated.

3 (2) 15 days after the date of the enactment of
4 this Act.

5 (b) COVERED REVIEW.—In this section, the term
6 “covered review” means any review initiated in 2021 or
7 2022 by a federally funded research and development cen-
8 ter regarding a service life extension program for Minute-
9 man III intercontinental ballistic missiles.

10 **SEC. 1633. SENSE OF CONGRESS REGARDING NUCLEAR**
11 **POSTURE REVIEW.**

12 It is the sense of Congress that the nuclear posture
13 review initiated in 2021 should address the following:

14 (1) An assessment of the current and projected
15 nuclear capabilities of Russia and China;

16 (2) the role of nuclear forces in United States
17 military strategy, planning, and programming;

18 (3) the relationship between deterrence, tar-
19 geting, and arms control;

20 (4) the role of missile defenses, conventional
21 strike forces, and other capabilities play in deter-
22 mining the role and size of nuclear forces;

23 (5) the levels and composition of nuclear deliv-
24 ery systems required to implement national strategy;

1 (6) the nuclear weapons complex required to
2 implement such strategy, including with respect to
3 modernization; and

4 (7) the active and inactive nuclear weapons
5 stockpile required to implement such strategy, in-
6 cluding with respect to the replacement and modi-
7 fication of nuclear weapons.

8 **SEC. 1634. REPORT ON GLOBAL NUCLEAR LEADERSHIP OF**
9 **THE UNITED STATES.**

10 (a) REQUIREMENT.—Not later than one year after
11 the date of the enactment of this Act, the Secretary of
12 Energy, in consultation with the Secretary of State, the
13 Secretary of Defense, the Chairman of the Nuclear Regu-
14 latory Commission, the Director of National Intelligence,
15 and the Secretary of Commerce, shall submit to the appro-
16 priate congressional committees a report analyzing—

17 (1) the opportunities for advancing the interests
18 of the United States with respect to global nuclear
19 safety, nuclear security, and nuclear nonprolifera-
20 tion; and

21 (2) the risks to such interests of the United
22 States, and the risks to wider foreign policy influ-
23 ence by the United States, posed by the dominance
24 of Russia in the global nuclear energy market and
25 the increasing supply by China to such market.

1 (b) MATTERS INCLUDED.—The report under sub-
2 section (a) shall include the following:

3 (1) An assessment of the historical role of civil
4 nuclear cooperation agreements and supply arrange-
5 ments made pursuant to the Atomic Energy Act of
6 1954 (42 U.S.C. 2011 et seq.) in influencing the
7 policies and practices of foreign governments con-
8 cerning nuclear safety, nuclear security, and nuclear
9 nonproliferation, and the wider foreign policy inter-
10 ests, including—

11 (A) a description of possible opportunities
12 for using nuclear cooperation agreements and
13 related exports to improve nuclear safety, nu-
14 clear security, and nuclear nonproliferation, and
15 the foreign policy interests of the United States;

16 (B) a description of potential risks associ-
17 ated with such agreements and nuclear exports;
18 and

19 (C) a description of the potential market
20 for small and advanced reactor technologies.

21 (2) An assessment of the competitiveness of the
22 United States against Russia and China in the glob-
23 al nuclear energy market, including—

24 (A) a comparison of nuclear reactor re-
25 search and design by Russia and China with

1 analogous research and design by the United
2 States;

3 (B) a comparison of the ability of Russia
4 and China to produce and export nuclear tech-
5 nology with analogous abilities of the United
6 States;

7 (C) a description of the factors enabling
8 progress made by Russia and China regarding
9 civil nuclear technology;

10 (D) a comparison of the export policies of
11 the United States with regard to civil nuclear
12 technology, including the role, if any, of finan-
13 cial support, with such policies of Russia and
14 China;

15 (E) a list of specific reactor designs, in-
16 cluding fuel characteristics, that Russia and
17 China have offered for export; and

18 (F) details of any agreements made by
19 Russia or China for exporting nuclear tech-
20 nology, including the duration, purchase price,
21 potential profitability, any provisions regarding
22 spent fuel take back, related regulatory support,
23 and any other elements that compromise a com-
24 petitive offer.

1 (3) An assessment, if applicable, of the means
2 by which Russia or China uses foreign-origin dual-
3 use nuclear technology for military purposes.

4 (4) Recommendations for regulatory or legisla-
5 tive actions for developing a robust free-enterprise
6 response designed to improve the competitiveness of
7 the United States in the global nuclear energy mar-
8 ket.

9 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the congressional defense committees;

13 (2) the Committee on Energy and Natural Re-
14 sources, the Committee on Foreign Relations, and
15 the Select Committee on Intelligence of the Senate;
16 and

17 (3) the Committee on Energy and Commerce,
18 the Committee on Foreign Affairs, and the Perma-
19 nent Select Committee on Intelligence of the House
20 of Representatives.

21 **Subtitle D—Missile Defense** 22 **Programs**

23 **SEC. 1641. DIRECTED ENERGY PROGRAMS FOR BALLISTIC**
24 **AND HYPERSONIC MISSILE DEFENSE.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) In the fiscal year 2021 budget request of
2 the Department of Defense, the Secretary of De-
3 fense removed all funding from the Missile Defense
4 Agency to conduct research, engineering, or develop-
5 ment for directed energy technologies that could be
6 applicable for ballistic and hypersonic missile de-
7 fense, and this removal of funding continued in the
8 fiscal year 2022 budget request of the Department,
9 despite Congress appropriating funding for fiscal
10 year 2021 for these efforts.

11 (2) In January 2020, an independent Senior
12 Executive Review Team noted that “If successfully
13 developed, the unique features of diode pumped al-
14 kali laser, an efficient electrically powered, relatively
15 short wavelength gas laser with the potential to de-
16 liver megawatt power with near diffraction limited
17 beam quality from a single aperture would provide
18 the Department of Defense and the Missile Defense
19 Agency with an important strategic technology with
20 the potential for an attractive size, weight, and
21 power. Such a system would have potential capa-
22 bility use cases across all services/agencies.”. How-
23 ever, the Under Secretary of Defense for Research
24 and Engineering did not support continued inves-

1 tigation of this promising technology by the Missile
2 Defense Agency.

3 (3) In addition to diode pumped alkali lasers,
4 there are other directed energy applications that
5 have the potential to contribute to ballistic and
6 hypersonic missile defense architecture, including
7 microwave and short pulse lasers technologies.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the Director of the Missile Defense Agency
10 should continue to fund promising directed energy tech-
11 nologies for ballistic and hypersonic missile defense, in co-
12 ordination with the directed energy roadmap of the Under
13 Secretary of Defense for Research and Engineering, with
14 the intent to transfer technologies to the military depart-
15 ments as appropriate.

16 (c) AUTHORITY OF THE MISSILE DEFENSE AGEN-
17 CY.—

18 (1) DELEGATION.—The Secretary of Defense
19 shall delegate to the Director of the Missile Defense
20 Agency the authority to budget for, direct, and man-
21 age directed energy programs applicable for ballistic
22 and hypersonic missile defense missions, in coordina-
23 tion with other directed energy efforts of the De-
24 partment of Defense.

1 (2) PRIORITIZATION.—In budgeting for and di-
2 recting directed energy programs applicable for bal-
3 listic and hypersonic defensive missions pursuant to
4 paragraph (1), the Director of the Missile Defense
5 Agency shall—

6 (A) prioritize the early research and devel-
7 opment of technologies; and

8 (B) address the transition of such tech-
9 nologies to industry to support future oper-
10 ationally relevant capabilities.

11 **SEC. 1642. NOTIFICATION OF CHANGES TO NON-STANDARD**
12 **ACQUISITION AND REQUIREMENTS PROC-**
13 **ESSES AND RESPONSIBILITIES OF MISSILE**
14 **DEFENSE AGENCY.**

15 (a) NOTICE AND WAIT.—

16 (1) REQUIREMENT.—The Secretary of Defense
17 may not make any changes to the missile defense
18 non-standard acquisition and requirements processes
19 and responsibilities described in paragraph (2) until
20 the Secretary, without delegation, on or after the
21 date of the enactment of this Act—

22 (A) has consulted with the Under Sec-
23 retary of Defense for Research and Engineer-
24 ing, the Under Secretary of Defense for Acqui-
25 sition and Sustainment, the Under Secretary of

1 Defense for Policy, the Secretaries of the mili-
2 tary departments, the Chairman of the Joint
3 Chiefs of Staff, the Commander of the United
4 States Strategic Command, the Commander of
5 the United States Northern Command, and the
6 Director of the Missile Defense Agency;

7 (B) certifies to the congressional defense
8 committees that the Secretary has coordinated
9 the changes with, and received the views of, the
10 individuals referred to in subparagraph (A);

11 (C) submits to the congressional defense
12 committees a report that contains—

13 (i) a description of the changes, the
14 rationale for the changes, and the views of
15 the individuals referred to in subparagraph
16 (A) with respect to such changes;

17 (ii) a certification that the changes
18 will not impair the missile defense capabili-
19 ties of the United States nor degrade the
20 unique special acquisition authorities of the
21 Missile Defense Agency; and

22 (iii) with respect to any such changes
23 to Department of Defense Directive
24 5134.09, a final draft of the proposed

1 modified directive, both in an electronic
2 format and in a hard copy format;

3 (D) with respect to any such changes to
4 Department of Defense Directive 5134.09, pro-
5 vides to such committees a briefing on the pro-
6 posed modified directive described in subpara-
7 graph (C)(ii); and

8 (E) a period of 120 days has elapsed fol-
9 lowing the date on which the Secretary submits
10 the report under subparagraph (C).

11 (2) NON-STANDARD ACQUISITION AND RE-
12 QUIREMENTS PROCESSES AND RESPONSIBILITIES
13 DESCRIBED.—The non-standard acquisition and re-
14 quirements processes and responsibilities described
15 in this paragraph are such processes and responsibil-
16 ities described in—

17 (A) the memorandum of the Secretary of
18 Defense titled “Missile Defense Program Direc-
19 tion” signed on January 2, 2002;

20 (B) Department of Defense Directive
21 5134.09, as in effect on the date of the enact-
22 ment of this Act; and

23 (C) United States Strategic Command In-
24 struction 538–3 titled “MD Warfighter Involve-
25 ment Process”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) FY20 NDAA.—Section 1688 of the National
3 Defense Authorization Act for Fiscal Year 2020
4 (Public Law 116– 92; 133 Stat. 1787) is amended—

5 (A) by striking subsection (b); and

6 (B) by redesignating subsection (c) as sub-
7 section (b).

8 (2) FY21 NDAA.—Section 1641 of the William
9 M. (Mac) Thornberry National Defense Authoriza-
10 tion Act for Fiscal Year 2021 (Public Law 116–
11 283; 134 Stat. 4061) is amended—

12 (A) by striking subsection (c); and

13 (B) by redesignating subsection (d) as sub-
14 section (c).

15 **SEC. 1643. MISSILE DEFENSE RADAR IN HAWAII.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) Hawaii should have discrimination radar
19 coverage against intercontinental ballistic missiles
20 that is equivalent to such coverage provided to the
21 contiguous United States and Alaska once the long
22 range discrimination radar achieves operational ca-
23 pability at Clear Air Force Base, Alaska; and

24 (2) to achieve such equivalent discrimination
25 radar coverage, the Secretary of Defense, acting

1 through the Director of the Missile Defense Agency,
2 should—

3 (A) restore the discrimination radar for
4 homeland defense planned to be located in Ha-
5 waii; and

6 (B) request adequate funding for the radar
7 in the future-years defense program submitted
8 to Congress under section 221 of title 10,
9 United States Code, for the radar to achieve
10 operational capability by not later than Decem-
11 ber 31, 2028, when the next generation inter-
12 ceptor is anticipated to achieve initial operating
13 capability.

14 (b) CERTIFICATION.—As a part of the defense budget
15 materials (as defined in section 239 of title 10, United
16 States Code) for fiscal year 2023, the Director of the Mis-
17 sile Defense Agency shall certify to the congressional de-
18 fense committees that—

19 (1) the future-years defense program submitted
20 to Congress under section 221 of title 10, United
21 States Code, in 2022 includes adequate amounts of
22 estimated funding to develop, construct, test, and in-
23 tegrate into the missile defense system the discrimi-
24 nation radar for homeland defense planned to be lo-
25 cated in Hawaii; and

1 (2) such radar and associated in-flight inter-
2 ceptor communications system data terminal will be
3 operational by not later than December 31, 2028.

4 **SEC. 1644. GUAM INTEGRATED AIR AND MISSILE DEFENSE**
5 **SYSTEM.**

6 (a) ARCHITECTURE AND ACQUISITION.—The Sec-
7 retary of Defense shall identify the architecture and acqui-
8 sition approach for implementing a 360-degree integrated
9 air and missile defense capability to defend the people, in-
10 frastructure, and territory of Guam from advanced cruise,
11 ballistic, and hypersonic missile threats.

12 (b) REQUIREMENTS.—The architecture identified
13 under subsection (a) shall have the ability to—

14 (1) integrate numerous multi-domain sensors,
15 interceptors, and command and control systems
16 while maintaining high kill chain performance
17 against advanced threats;

18 (2) address robust discrimination and electro-
19 magnetic compatibility with other sensors;

20 (3) engage directly, or coordinate engagements
21 with other integrated air and missile defense sys-
22 tems, to defeat the spectrum of cruise, ballistic, and
23 hypersonic threats;

24 (4) leverage existing programs of record to ex-
25 pedite the development and deployment of the archi-

1 tecture during the five-year period beginning on the
2 date of the enactment of this Act, with an objective
3 of achieving initial operating capability in 2025, in-
4 cluding with respect to—

5 (A) the Aegis ballistic missile defense sys-
6 tem;

7 (B) standard missile-3 and -6 variants;

8 (C) the terminal high altitude area defense
9 system;

10 (D) the Patriot air and missile defense sys-
11 tem;

12 (E) the integrated battle control system;

13 and

14 (F) the lower tier air and missile defense
15 sensor and other lower tier capabilities, as ap-
16 plicable;

17 (5) integrate future systems and interceptors
18 that have the capability to defeat hypersonic missiles
19 in the glide and terminal phases, including integra-
20 tion of passive measures to protect assets in Guam;
21 and

22 (6) incentivize competition within the acquisi-
23 tion of the architecture and rapid procurement and
24 deployment wherever possible.

1 (c) REPORT.—Not later than 60 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the congressional defense committees a report on the
4 architecture and acquisition approach identified under
5 subsection (a).

6 **SEC. 1645. LIMITATION ON AVAILABILITY OF FUNDS UNTIL**
7 **RECEIPT OF CERTAIN REPORT ON GUAM.**

8 Of the funds authorized to be appropriated by this
9 Act or otherwise made available for fiscal year 2022 for
10 the Department of Defense for the Office of Cost Assess-
11 ment and Program Evaluation, not more than 75 percent
12 may be obligated or expended until the date on which the
13 Secretary of Defense submits to the congressional defense
14 committees the report on the defense of Guam from inte-
15 grated air and missile threats required by section 1650
16 of the William M. (Mac) Thornberry National Defense Au-
17 thorization Act for Fiscal Year 2021(Public Law 116–
18 283).

19 **SEC. 1646. REPEAL OF TRANSITION OF BALLISTIC MISSILE**
20 **DEFENSE PROGRAMS TO MILITARY DEPART-**
21 **MENTS.**

22 Section 1676 of the National Defense Authorization
23 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
24 2431 note) is amended by striking subsection (b).

1 **SEC. 1647. CERTIFICATION REQUIRED FOR RUSSIA AND**
2 **CHINA TO TOUR CERTAIN MISSILE DEFENSE**
3 **SITES.**

4 (a) CERTIFICATION.—Before the Secretary of De-
5 fense makes a determination with respect to allowing a
6 foreign national of Russia or China to tour a covered site,
7 the Secretary shall submit to the congressional defense
8 committees a certification that—

9 (1) the Secretary has determined that such tour
10 is in the national security interest of the United
11 States, including the justifications for such deter-
12 mination; and

13 (2) the Secretary will not share any technical
14 data relating to the covered site with the foreign na-
15 tionals.

16 (b) TIMING.—The Secretary may not conduct a tour
17 described in subsection (a) until a period of 45 days has
18 elapsed following the date on which the Secretary submits
19 the certification for that tour under such subsection.

20 (c) COVERED SITE.—In this section, the term “cov-
21 ered site” means any of the following:

22 (1) The combat information center of a naval
23 ship equipped with the Aegis ballistic missile defense
24 system.

25 (2) An Aegis Ashore site.

1 (3) A terminal high altitude area defense bat-
2 tery.

3 (4) A ground-based midcourse defense inter-
4 ceptor silo.

5 **SEC. 1648. SENSE OF CONGRESS ON NEXT GENERATION IN-**
6 **TERCEPTOR PROGRAM.**

7 It is the sense of Congress that—

8 (1) in accordance with the national missile de-
9 fense policy under section 1681 of the National De-
10 fense Authorization Act for Fiscal Year 2017 (Pub-
11 lic Law 114– 328; 10 U.S.C. 2431 note), it is in the
12 national security interest of the United States to de-
13 sign, test, and begin deployment of the next genera-
14 tion interceptor by not later than September 30,
15 2028; and

16 (2) the Secretary of Defense should—

17 (A) maintain competition for the next gen-
18 eration interceptor program through, at a min-
19 imum, the critical design reviews of the pro-
20 gram;

21 (B) uphold “fly before you buy” principals
22 in carrying out such program;

23 (C) continue to incorporate lessons learned
24 from the redesigned kill vehicle program to
25 avoid any similar technical issues; and

1 (D) continue to maintain continuous en-
2 gagement with the intelligence community to
3 ensure the next generation interceptor program
4 is outpacing intercontinental ballistic missile
5 threats to the homeland of the United States
6 posed by rogue nations.

7 **SEC. 1649. STUDIES BY PRIVATE SCIENTIFIC ADVISORY**
8 **GROUP KNOWN AS JASON.**

9 (a) STUDY ON DISCRIMINATION CAPABILITIES OF
10 THE BALLISTIC MISSILE DEFENSE SYSTEM.—

11 (1) FINDINGS.—Congress finds the following:

12 (A) Section 237 of the National Defense
13 Authorization Act for Fiscal Year 2010 (Public
14 Law 111–84; 123 Stat. 2236) required the Sec-
15 retary of Defense to enter into an arrangement
16 with the private scientific advisory group known
17 as JASON under which JASON carried out a
18 study on the discrimination capabilities and lim-
19 itations of the ballistic missile defense system of
20 the United States.

21 (B) Since the completion of this study,
22 rogue nation threats have changed and capabili-
23 ties of the missile defense system have evolved.

24 (2) UPDATE.—The Secretary of Defense shall
25 enter into an arrangement with the private scientific

1 advisory group known as JASON under which
2 JASON shall carry out an update to the study con-
3 ducted pursuant to section 237 of the National De-
4 fense Authorization Act for Fiscal Year 2010 (Pub-
5 lic Law 111–84; 123 Stat. 2236) on the discrimina-
6 tion capabilities and limitations of the missile de-
7 fense system of the United States, including such
8 discrimination capabilities that exist or are planned
9 as of the date of the study.

10 (3) REPORT.—Not later than one year after the
11 date of enactment of this Act, the Secretary shall
12 submit to the appropriate congressional committees
13 a report containing the study.

14 (4) FORM.—The report under paragraph (2)
15 may be submitted in classified form, but shall con-
16 tain an unclassified summary.

17 (b) REPORT ON JASON.—Not later than 90 days
18 after the date of the enactment of this Act, the Under
19 Secretary of Defense for Acquisition and Sustainment
20 shall submit to the congressional defense committees a re-
21 port on the private scientific advisory group known as
22 JASON. The report shall include the following:

23 (1) The status of the contract awarded by the
24 Secretary of Defense to JASON.

1 (2) Identification of the studies undertaken by
2 JASON during the two fiscal years occurring before
3 the date of the report.

4 (3) The level of funding required to ensure the
5 continued ability of JASON to provide high-quality
6 technical, scientifically informed advice to the De-
7 partment of Defense and the broader United States
8 Government.

9 (4) Whether the Under Secretary is committed
10 to ensuring adequate funding and continued depart-
11 mental support for JASON.

12 (5) Any impediments encountered by the Under
13 Secretary in continuing to contract with JASON.

14 **SEC. 1650. REPORT ON SENIOR LEADERSHIP OF MISSILE**
15 **DEFENSE AGENCY.**

16 Not later than 60 days after the date of the enact-
17 ment of this Act, the Director of the Missile Defense
18 Agency shall submit to the congressional defense commit-
19 tees a report detailing the following:

20 (1) The responsibilities of the positions of the
21 Director, Sea-based Weapons Systems, and the Dep-
22 uty Director of the Missile Defense Agency.

23 (2) The role of the officials who occupy these
24 positions with respect to the functional combatant
25 commands with missile defense requirements.

1 (3) The rationale and benefit of having an offi-
2 cial in these positions who is a general officer or flag
3 officer versus a civilian.

4 **SEC. 1650A. SENSE OF CONGRESS ON AEGIS ASHORE SITES**
5 **IN POLAND AND ROMANIA.**

6 It is the sense of Congress that—

7 (1) both Poland and Romania, which host Aegis
8 Ashore sites of the United States, are vital allies of
9 the United States;

10 (2) the contributions provided by these Aegis
11 Ashore sites help ensure the defenses of Poland, Ro-
12 mania, the United States, and the member states of
13 the North Atlantic Treaty Organization; and

14 (3) it is vital that the construction of the Aegis
15 Ashore site in Redzikowo, Poland, is completed and
16 brought online at the earliest possible date.

17 **Subtitle E—Other Matters**

18 **SEC. 1651. COOPERATIVE THREAT REDUCTION FUNDS.**

19 (a) FUNDING ALLOCATION.—Of the \$344,849,000
20 authorized to be appropriated to the Department of De-
21 fense for fiscal year 2022 in section 301 and made avail-
22 able by the funding table in division D for the Department
23 of Defense Cooperative Threat Reduction Program estab-
24 lished under section 1321 of the Department of Defense
25 Cooperative Threat Reduction Act (50 U.S.C. 3711), the

1 following amounts may be obligated for the purposes spec-
2 ified:

3 (1) For strategic offensive arms elimination,
4 \$2,997,000.

5 (2) For chemical security and elimination,
6 \$13,250,000.

7 (3) For global nuclear security, \$17,767,000.

8 (4) For biological threat reduction,
9 \$124,022,000.

10 (5) For proliferation prevention, \$58,754,000.

11 (6) For activities designated as Other Program
12 Support, \$23,059,000.

13 (b) SPECIFICATION OF COOPERATIVE THREAT RE-
14 Duction FUNDS.—Funds appropriated pursuant to the
15 authorization of appropriations in section 301 and made
16 available by the funding table in division D for the Depart-
17 ment of Defense Cooperative Threat Reduction Program
18 shall be available for obligation for fiscal years 2022,
19 2023, and 2024.

20 **SEC. 1652. ESTABLISHMENT OF OFFICE TO ADDRESS UN-**
21 **IDENTIFIED AERIAL PHENOMENA.**

22 (a) ESTABLISHMENT.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary of
24 Defense, in coordination with the Director of National In-
25 telligence, shall establish an office within the Office of the

1 Secretary of Defense to carry out, on a Department-wide
2 basis, the mission currently performed by the Unidentified
3 Aerial Phenomenon Task Force as of the date of the en-
4 actment of this Act.

5 (b) DUTIES.—The duties of the office established
6 under subsection (a) shall include the following:

7 (1) Developing procedures to synchronize and
8 standardize the collection, reporting, and analysis of
9 incidents regarding unidentified aerial phenomena
10 across the Department of Defense.

11 (2) Developing processes and procedures to en-
12 sure that such incidents from each military depart-
13 ment are reported and incorporated in a centralized
14 repository.

15 (3) Establishing procedures to require the time-
16 ly and consistent reporting of such incidents.

17 (4) Evaluating links between unidentified aerial
18 phenomena and adversarial foreign governments,
19 other foreign governments, or nonstate actors.

20 (5) Evaluating the threat that such incidents
21 present to the United States.

22 (6) Coordinating with other departments and
23 agencies of the Federal Government, as appropriate.

1 (7) Coordinating with allies and partners of the
2 United States, as appropriate, to better assess the
3 nature and extent of unidentified aerial phenomena.

4 (c) ANNUAL REPORT.—

5 (1) REQUIREMENT.—Not later than December
6 31, 2022, and annually thereafter until December
7 31, 2026, the Secretary of Defense shall submit to
8 the appropriate congressional committees a report
9 on unidentified aerial phenomena.

10 (2) ELEMENTS.—Each report under paragraph
11 (1) shall include, with respect to the year covered by
12 the report, the following information:

13 (A) An analysis of data and intelligence re-
14 ceived through reports of unidentified aerial
15 phenomena.

16 (B) An analysis of data relating to uniden-
17 tified aerial phenomena collected through—

18 (i) geospatial intelligence;

19 (ii) signals intelligence;

20 (iii) human intelligence; and

21 (iv) measurement and signals intel-
22 ligence.

23 (C) The number of reported incidents of
24 unidentified aerial phenomena over restricted
25 air space of the United States.

1 (D) An analysis of such incidents identified
2 under subparagraph (C).

3 (E) Identification of potential aerospace or
4 other threats posed by unidentified aerial phe-
5 nomena to the national security of the United
6 States.

7 (F) An assessment of any activity regard-
8 ing unidentified aerial phenomena that can be
9 attributed to one or more adversarial foreign
10 governments.

11 (G) Identification of any incidents or pat-
12 terns regarding unidentified aerial phenomena
13 that indicate a potential adversarial foreign gov-
14 ernment may have achieved a breakthrough
15 aerospace capability.

16 (H) An update on the coordination by the
17 United States with allies and partners on ef-
18 forts to track, understand, and address uniden-
19 tified aerial phenomena.

20 (I) An update on any efforts underway on
21 the ability to capture or exploit discovered un-
22 identified aerial phenomena.

23 (J) An assessment of any health-related ef-
24 fects for individuals that have encountered un-
25 identified aerial phenomena.

1 (d) TASK FORCE.—Not later than the date on which
2 the Secretary establishes the office under subsection (a),
3 the Secretary shall terminate the Unidentified Aerial Phe-
4 nomenon Task Force.

5 (e) DEFINITIONS.—In this section:

6 (1) The term “appropriate congressional com-
7 mittees” means the following:

8 (A) The Committee on Armed Services, the
9 Committee on Foreign Affairs, and the Perma-
10 nent Select Committee on Intelligence of the
11 House of Representatives.

12 (B) The Committee on Armed Services,
13 the Committee on Foreign Relations, and the
14 Select Committee on Intelligence of the Senate.

15 (2) The term “unidentified aerial phenomena”
16 means airborne objects witnessed by a pilot or air-
17 crew member that are not immediately identifiable.

18 **SEC. 1653. MATTERS REGARDING INTEGRATED DETER-**
19 **RENCE REVIEW.**

20 (a) REPORTS.—Not later than 30 days after the date
21 on which the Integrated Deterrence Review that com-
22 menced during 2021 is submitted to the congressional de-
23 fense committees, the Secretary of Defense shall submit
24 to the congressional defense committees the following:

1 (1) Each report, assessment, and guidance doc-
2 ument produced by the Department of Defense pur-
3 suant to the Integrated Deterrence Review or during
4 subsequent actions taken to implement the conclu-
5 sions of the Integrated Deterrence Review, including
6 with respect to each covered review.

7 (2) A report explaining how each such covered
8 review differs from the previous such review.

9 (b) CERTIFICATIONS.—Not later than 30 days after
10 the date on which a covered review is submitted to the
11 congressional defense committees, the Chairman of the
12 Joint Chiefs of Staff, the Vice Chairman of the Joint
13 Chiefs of Staff, and the Commander of the United States
14 Strategic Command shall each directly submit to such
15 committees—

16 (1) a certification regarding whether the Chair-
17 man, Vice Chairman, or Commander, as the case
18 may be, had the opportunity to provide input into
19 the covered review; and

20 (2) a description of the degree to which the cov-
21 ered reviews differ from the military advice con-
22 tained in such input (or, if there was no opportunity
23 to provide such input, would have been contained in
24 the input if so provided).

1 (c) COVERED REVIEW DEFINED.—In this section,
2 the term “covered review” means—

3 (1) the Missile Defense Review that commenced
4 during 2021; and

5 (2) the Nuclear Posture Review that com-
6 menced during 2021.

7 **SEC. 1654. SENSE OF CONGRESS ON INDEMNIFICATION AND**
8 **THE CONVENTIONAL PROMPT GLOBAL**
9 **STRIKE WEAPON SYSTEM.**

10 It is the sense of Congress that—

11 (1) the conventional prompt global strike weap-
12 on system of the Navy, for which the Secretary of
13 the Navy has declined to provide indemnification,
14 will have more than twice the TNT equivalent of the
15 bomb used in the 1993 World Trade Center bomb-
16 ing that resulted in many casualties and more than
17 \$3,300,000,000 in insurance claims in 2021 dol-
18 lars—an amount that is \$1,100,000,000 greater
19 than the insurance limits currently available from
20 private insurance underwriters;

21 (2) the term “unusually hazardous” used in Ex-
22 ecutive Order 10789, as amended, pursuant to pub-
23 lic Law 85–804 (50 U.S.C. 1431 et seq.) should be
24 objectively and consistently applied to weapons sys-
25 tems and programs whose physical properties inher-

1 ently possess substantial explosive energy whose
2 misapplication or accidental ignition could result in
3 catastrophic material destruction and human inju-
4 ries and deaths;

5 (3) an inconsistent and arbitrary application of
6 such Executive Order and law may create significant
7 risk for the industrial base and loss of critical de-
8 fense capabilities; and

9 (4) the Secretary of the Navy should—

10 (A) take maximum practicable advantage
11 of existing statutory authority to provide in-
12 demnification for large rocket programs employ-
13 ing “unusually hazardous” propulsion systems
14 for both nuclear and non-nuclear strategic sys-
15 tems; and

16 (B) develop a policy for more consistently
17 applying such authority.

18 **SEC. 1655. DECLASSIFICATION REVIEW RELATING TO**
19 **TESTS IN THE MARSHALL ISLANDS.**

20 (a) **REQUIREMENT.**—The Secretary of Defense, in
21 coordination with the Secretary of Energy, shall conduct
22 a declassification review of documents relating to nuclear,
23 ballistic missile, or chemical weapons tests conducted by
24 the United States in the Marshall Islands, including with

1 respect to cleanup activities and the storage of waste relat-
2 ing to such tests.

3 (b) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Secretary of Defense,
5 in coordination with the Secretary of Energy, shall—

6 (1) make publicly available any information de-
7 classified as a result of the declassification review re-
8 quired under subsection (a); and

9 (2) submit to the congressional defense commit-
10 tees a report containing—

11 (A) the results of the declassification re-
12 view conducted under such subsection; and

13 (B) a justification for not declassifying any
14 information required to be included in the de-
15 classification review that remains classified.

16 **TITLE XVII—TECHNICAL AMEND-**
17 **MENTS RELATED TO THE**
18 **TRANSFER AND REORGANIZA-**
19 **TION OF DEFENSE ACQUI-**
20 **SITION STATUTES**

21 **SEC. 1701. TECHNICAL, CONFORMING, AND CLERICAL**
22 **AMENDMENTS RELATED TO THE TRANSFER**
23 **AND REORGANIZATION OF DEFENSE ACQUI-**
24 **SITION STATUTES.**

25 (a) APPLICABILITY; DEFINITIONS.—

1 (1) APPLICABILITY.—The amendments made
2 by this section to title XVIII of the William M.
3 (Mac) Thornberry National Defense Authorization
4 Act for Fiscal Year 2021 (Public Law 116–283)
5 shall apply as if included in such Act as enacted.

6 (2) DEFINITIONS.—In this section, the terms
7 “FY2021 NDAA” and “such Act” mean the William
8 M. (Mac) Thornberry National Defense Authoriza-
9 tion Act for Fiscal Year 2021 (Public Law 116–
10 283).

11 (b) TECHNICAL CORRECTIONS TO TITLE XVIII OF
12 FY2021 NDAA.—Title XVIII of the FY2021 NDAA is
13 amended as follows:

14 (1) Section 1806(a) is amended in paragraph
15 (4) by striking “TRANSFER” and all that follows
16 through “and amended” and inserting the following:
17 “RESTATEMENT OF SECTION 2545(1).—Section 3001
18 of such title, as added by paragraph (1), is further
19 amended by inserting after subsection (b), as trans-
20 ferred and redesignated by paragraph (3), a new
21 subsection (c) having the text of paragraph (1) of
22 section 2545 of such title, as in effect on the day be-
23 fore the date of the enactment of this Act, revised”.

24 (2) Section 1807 is amended—

25 (A) in subsection (c)(3)(A)—

1 (i) by striking the semicolon and close
2 quotation marks at the end of clause (i)
3 and inserting close quotation marks and a
4 semicolon; and

5 (ii) by striking “by any” in the matter
6 to be inserted by clause (ii); and

7 (B) in subsection (e)—

8 (i) by striking “of this title” in the
9 matter to be inserted by paragraph (2)(B);
10 and

11 (ii) by striking “Sections” in the
12 quoted matter before the period at the end
13 of paragraph (3) and inserting “For pur-
14 poses of”.

15 (3) Section 1809(e) is amended by striking sub-
16 paragraph (B) of paragraph (2) (including the
17 amendment made by that subparagraph).

18 (4) Section 1811 is amended—

19 (A) in subsection (c)(2)(B), by striking the
20 comma before the close quotation marks in both
21 the matter to be stricken and the matter to be
22 inserted;

23 (B) in subsection (d)(3)(B)—

1 (i) by striking the dash after “mobili-
2 zation” in the matter to be inserted by
3 clause (ii) and inserting a semicolon; and

4 (ii) by striking the dash after “cen-
5 ter” in the matter to be inserted by clause
6 (iv) and inserting “; or”;

7 (C) in subsection (d)(4)(D), by striking
8 “this” in the matter to be stricken by clause (ii)
9 and inserting “This”;

10 (D) in subsection (d)(5)(A), by striking
11 “SOURCES.—The” and inserting “SOURCES.—”
12 before “The”;

13 (E) in subsection (d)(6)(A), in the matter
14 to be inserted—

15 (i) by striking the close quotation
16 marks after “PROCEDURES.—”; and

17 (ii) by striking the comma after
18 “(7)”; and

19 (F) in subparagraphs (C)(ii) and (E)(ii) of
20 subsection (e)(3), by striking “and (ii)” each
21 place it appears and inserting “and (iii)”.

22 (5) Section 1813 is amended in subsection
23 (c)(1)(D) by inserting “and inserting” after the first
24 closing quotation marks.

25 (6) Section 1816(c)(5) is amended—

1 (A) in subparagraph (C)—

2 (i) by striking “the second sentence”
3 and inserting “the second and third sen-
4 tences”; and

5 (ii) by striking “subsection (d)” and
6 inserting “subsections (d) and (e), respec-
7 tively”; and

8 (B) by striking subparagraph (G) and in-
9 serting the following:

10 “(G) in subsection (d), as so designated,
11 by inserting ‘NOTICE OF AWARD.—’ before
12 ‘The head of’; and

13 “(H) in subsection (e), as so designated,
14 by striking ‘This subparagraph does not’ and
15 inserting ‘EXCEPTION FOR PERISHABLE SUB-
16 SISTENCE ITEMS.—Subsections (c) and (d) do
17 not.’”.

18 (7) Section 1818 is amended by striking the
19 close quotation marks and second period at the end
20 of subsection (b).

21 (8) Section 1820 is amended in subsection
22 (c)(3)(A) by striking “section” in the matter to be
23 deleted.

1 (9) Section 1833(o)(2) is amended by striking
2 “Section” and “as section” and inserting “Sections”
3 and “as sections”, respectively.

4 (10) Section 1834(h)(2) is amended by striking
5 “section 3801(1)” in the matter to be inserted and
6 inserting “section 3801(a)”.

7 (11) Section 1845(c)(2) is amended by striking
8 “section” in the matter to be stricken and inserting
9 “sections”.

10 (12) Section 1856(h) is amended by striking
11 “subsection (d)” and inserting “subsection (g)”.

12 (13) Section 1862(c)(2) is amended by striking
13 “section 4657” and inserting “section 4658”.

14 (14) Section 1866(d) is amended by striking
15 “4817” in the matter to be inserted by paragraph
16 (4)(A)(ii) and inserting “4818”.

17 **SEC. 1702. CONFORMING CROSS REFERENCE TECHNICAL**
18 **AMENDMENTS RELATED TO THE TRANSFER**
19 **AND REORGANIZATION OF DEFENSE ACQUI-**
20 **SITION STATUTES.**

21 (a) AMENDMENTS TO TITLE 10, UNITED STATES
22 CODE.—Title 10, United States Code, is amended as fol-
23 lows:

24 (1) Section 171a(i)(3) is amended by striking
25 “2366a(d)” and inserting “4251(d)”.

1 (2) Section 181(b)(6) is amended by striking
2 “sections 2366a(b), 2366b(a)(4),” and inserting
3 “sections 4251(b), 4252(a)(4),”.

4 (3) Section 1734(c)(2) is amended by striking
5 “section 2435(a)” and inserting “section 4214(a)”.

6 (b) AMENDMENTS TO LAWS CLASSIFIED AS NOTES
7 IN TITLE 10, UNITED STATES CODE.—

8 (1) Section 801(1) of the National Defense Au-
9 thorization Act for Fiscal Year 2018 (Public Law
10 115–91; 10 U.S.C. 2302 note) is amended by strik-
11 ing “section 2545” and inserting “section 3001”.

12 (2) Section 323(a) of the Ike Skelton National
13 Defense Authorization Act for Fiscal Year 2011
14 (Public Law 111–383; 10 U.S.C. 2463 note) is
15 amended by striking “section 235, 2330a, or 2463”
16 and inserting “section 2463, 3137, or 4505”.

17 (3) Section 8065 of the Department of Defense
18 Appropriations Act, 2005 (Public Law 108–287; 10
19 U.S.C. 2540 note), is amended—

20 (A) by striking “subchapter VI of chapter
21 148” both places it appears and inserting “sub-
22 chapter I of chapter 389”; and

23 (B) by striking “section 2540c(d)” and in-
24 serting “section 4974(d)”.

1 (c) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 6,
2 UNITED STATES CODE (HOMELAND SECURITY).—

3 (1) Section 831(a) of the Homeland Security
4 Act of 2002 (6 U.S.C. 391(a)) is amended—

5 (A) in paragraph (1), by striking “section
6 2371” and inserting “section 4002”; and

7 (B) in paragraph (2)—

8 (i) by striking “section 845 of the Na-
9 tional Defense Authorization Act for Fiscal
10 Year 1994 (Public Law 103–160)” in the
11 first sentence and inserting “section 4003
12 of title 10, United States Code”; and

13 (ii) by striking “845” in the second
14 sentence.

15 (2) Section 853(b) of such Act (6 U.S.C.
16 423(b)) is amended by striking paragraphs (1), (2),
17 and (3) and inserting the following:

18 “(1) Section 134 of title 41, United States
19 Code.

20 “(2) Section 153 of title 41, United States
21 Code.

22 “(3) Section 3015 of title 10, United States
23 Code.”.

24 (3) Section 855 of such Act (6 U.S.C. 425) is
25 amended—

1 (A) in subsection (a)(2), by striking sub-
2 paragraphs (A), (B), and (C) and inserting the
3 following:

4 “(A) Sections 1901 and 1906 of title 41,
5 United States Code.

6 “(B) Section 3205 of title 10, United
7 States Code.

8 “(C) Section 3305 of title 41, United
9 States Code.”; and

10 (B) in subsection (b)(1), by striking “pro-
11 vided in” and all that follows through “shall
12 not” and inserting “provided in section
13 1901(a)(2) of title 41, United States Code, sec-
14 tion 3205(a)(2) of title 10, United States Code,
15 and section 3305(a)(2) of title 41, United
16 States Code, shall not”.

17 (4) Section 856(a) of such Act (6 U.S.C.
18 426(a)) is amended by striking paragraphs (1), (2),
19 and (3) and inserting the following:

20 “(1) FEDERAL PROPERTY AND ADMINISTRA-
21 TIVE SERVICES ACT OF 1949.—In division C of sub-
22 title I of title 41, United States Code:

23 “(A) Paragraphs (1), (2), (6), and (7) of
24 subsection (a) of section 3304 of such title, re-
25 lating to use of procedures other than competi-

1 tive procedures under certain circumstances
2 (subject to subsection (d) of such section).

3 “(B) Section 4106 of such title, relating to
4 orders under task and delivery order contracts.

5 “(2) TITLE 10, UNITED STATES CODE.—In part
6 V of subtitle A of title 10, United States Code:

7 “(A) Paragraphs (1), (2), (6), and (7) of
8 subsection (a) of section 3204, relating to use
9 of procedures other than competitive procedures
10 under certain circumstances (subject to sub-
11 section (d) of such section).

12 “(B) Section 3406, relating to orders
13 under task and delivery order contracts.

14 “(3) OFFICE OF FEDERAL PROCUREMENT POL-
15 ICY ACT.—Paragraphs (1)(B), (1)(D), and (2)(A) of
16 section 1708(b) of title 41, United States Code, relat-
17 ing to inapplicability of a requirement for procure-
18 ment notice.”.

19 (5) Section 604(f) of the American Recovery
20 and Reinvestment Act of 2009 (6 U.S.C. 453b(f)) is
21 amended by striking “section 2304(g)” and inserting
22 “section 3205”.

23 (d) AMENDMENTS TO TITLE 14, UNITED STATES
24 CODE (COAST GUARD).—Title 14, United States Code, is
25 amended as follows:

1 (1) Section 308(c)(10)(B)(ii) is amended by
2 striking “section 2547(c)(1)” and inserting “section
3 3104(c)(1)”.

4 (2) Section 1137(b)(4) is amended by striking
5 “section 2306b” and inserting “subchapter I of
6 chapter 249”.

7 (3) Section 1906(b)(2) is amended by striking
8 “chapter 137” and inserting “sections 3201 through
9 3205”.

10 (e) AMENDMENTS TO LAWS CLASSIFIED IN TITLE
11 15, UNITED STATES CODE (COMMERCE).—

12 (1) Section 14(a) of the Metric Conversion Act
13 of 1975 (15 U.S.C. 2051(a)) is amended—

14 (A) in the first sentence, by striking “set
15 forth in chapter 137” and all that follows
16 through “et seq.,” and inserting “set forth in
17 the provisions of title 10, United States Code,
18 referred to in section 3016 of such title as
19 ‘chapter 137 legacy provisions’, section 3453 of
20 such title, division C (except sections 3302,
21 3307(e), 3501(b), 3509, 3906, 4710, and 4711)
22 of subtitle I of title 41, United States Code,”;

23 (B) in the second sentence, by striking
24 “under section 2377(c)” and all that follows
25 through the period and inserting “under section

1 3453(c) of title 10, United States Code, and
2 section 3307(d) of title 41, United States
3 Code.”; and

4 (C) in the third sentence, by striking “sec-
5 tion 2377” and all that follows through “shall
6 take” and inserting “section 4324 of title 10,
7 United States Code, or section 3307(b) to (d) of
8 title 41, United States Code, then the provi-
9 sions of such sections 4324 or 3307(b) to (d)
10 shall take”.

11 (2) Section 8 of the Small Business Act (15
12 U.S.C. 637) is amended—

13 (A) in subsection (g)(2), by striking “sec-
14 tion 2304(c)” and inserting “section 3204(a)”;
15 and

16 (B) in subsection (h)—

17 (i) in paragraph (1)(B), by striking
18 “chapter 137” and inserting “section 3201
19 through 3205”; and

20 (ii) in paragraph (2), by striking “sec-
21 tion 2304(f)(2)” and “section 2304(f)(1)”,
22 and inserting “paragraphs (3) and (4) of
23 section 3204(e)” and “section 3204(e)(1)”,
24 respectively.

1 (3) Section 9 of the Small Business Act (15
2 U.S.C. 638) is amended in subsection (r)(4)(A) by
3 striking “section 2304” and inserting “sections
4 3201 through 3205”.

5 (4) Section 884(a)(2) of the National Defense
6 Authorization Act for Fiscal Year 2020 (Public Law
7 116–92; 15 U.S.C. 638 note) is amended by striking
8 “section 2500” and inserting “section 4801”.

9 (5) Section 15 of the Small Business Act (15
10 U.S.C. 644) is amended—

11 (A) in subsection (k)—

12 (i) in paragraph (17)(B), by striking
13 “section 2318” and inserting “section
14 3249”;

15 (ii) in paragraph (17)(C), by striking
16 “chapter 142” and inserting “chapter
17 388”; and

18 (iii) in paragraph (18), by striking
19 “section 2784” and inserting “section
20 4754”;

21 (B) in subsection (r)(2), by striking “sec-
22 tion 2304c(b)” and inserting “section 3406(e)”;
23 and

24 (C) in subsections (u) and (v), by striking
25 “chapter 142” and inserting “chapter 388”.

1 (6) Section 16 of the Small Business Act (15
2 U.S.C. 645) is amended in subsection (d)(3) by
3 striking “chapter 142” and inserting “chapter 388”.

4 (7) Section 272 of the National Defense Au-
5 thorization Act for Fiscal Years 1988 and 1989
6 (Public Law 100–180; 15 U.S.C. 4602) is amended
7 in subsection (c) by striking “section 2306a” and in-
8 serting “chapter 271”.

9 (f) AMENDMENTS TO TITLES 32, UNITED STATES
10 CODE (NATIONAL GUARD) AND 37, UNITED STATES
11 CODE (PAY AND ALLOWANCES).—

12 (1) Section 113 of title 32, United States Code,
13 is amended in subsection (b)(1)(B) by striking “sec-
14 tion 2304(c)” and inserting “section 3204(a)”.

15 (2) Section 418 of title 37, United States Code,
16 is amended in subsection (d)(2)(A)—

17 (A) by striking “section 2533a” and in-
18 serting “section 4862”; and

19 (B) by striking “chapter 137 of title 10”
20 and inserting “chapter 137 legacy provisions
21 (as such term is defined in section 3016 of title
22 10)”.

23 (g) AMENDMENTS TO TITLE 40, UNITED STATES
24 CODE (PUBLIC BUILDINGS).—Title 40, United States
25 Code, is amended as follows:

1 (1) Section 113(e) is amended—

2 (A) in paragraph (3)—

3 (i) by striking “chapter 137” and in-
4 sserting “section 3063”; and

5 (ii) by striking “that chapter;” and in-
6 sserting “the provisions of that title re-
7 ferred to in section 3016 of such title as
8 ‘chapter 137 legacy provisions’;” and

9 (B) in paragraph (5), by striking “section
10 2535” and inserting “section 4881”.

11 (2) Section 581(f)(1)(A) is amended by striking
12 “section 2535” and inserting “section 4881”.

13 (h) AMENDMENTS TO TITLE 41, UNITED STATES
14 CODE (PUBLIC CONTRACTS).—Title 41, United States
15 Code, is amended as follows:

16 (1) Section 1127(b) is amended by striking
17 “section 2324(e)(1)(P)” and inserting “section
18 3744(a)(16)”.

19 (2) Section 1303(a)(1) is amended by striking
20 “chapters 4 and 137 of title 10” and inserting
21 “chapter 4 of title 10, chapter 137 legacy provisions
22 (as such term is defined in section 3016 of title
23 10)”.

1 (3) Section 1502(b)(1)(B) is amended by strik-
2 ing “section 2306a(a)(1)(A)(i)” and inserting “sec-
3 tion 3702(a)(1)(A)”.

4 (4) Section 1708(b)(2)(A) is amended by strik-
5 ing “section 2304(c)” and inserting “section
6 3204(a)”.

7 (5) Section 1712(b)(2)(B) is amended by strik-
8 ing “section 2304(c)” and inserting “section
9 3204(a)”.

10 (6) Section 1901(e)(2) is amended by striking
11 “section 2304(f)” and inserting “section 3204(e)”.

12 (7) Section 1903 is amended—

13 (A) in subsection (b)(3), by striking “sec-
14 tion 2304(g)(1)(B)” and inserting “section
15 3205(a)(2)”; and

16 (B) in subsection (c)(2)(B), by striking
17 “section 2306a” and inserting “chapter 271”.

18 (8) Section 1907(a)(3)(B)(ii) is amended by
19 striking “section 2305(e) and (f)” and inserting
20 “section 3308”.

21 (9) Section 1909(e) is amended by striking
22 “section 2784” and inserting “section 4754”.

23 (10) Section 2101(2)(A) is amended by striking
24 “section 2306a(h)” and inserting “section 3701”.

1 (11) Section 2311 is amended by striking “sec-
2 tion 2371” and inserting “section 4002”.

3 (12) Section 3302 is amended—

4 (A) in subsection (a)(3)—

5 (i) in subparagraph (A), by striking
6 “section 2302(2)(C)” and inserting “sec-
7 tion 3012(3)”; and

8 (ii) in subparagraph (B), by striking
9 “sections 2304a to 2304d of title 10,” and
10 inserting “chapter 245 of title 10”;

11 (B) in subsection (c)(1)(A)(i), by striking
12 “section 2304c(b)” and inserting “section
13 3406(c)”; and

14 (C) in subsection (d)(1)(B), by striking
15 “section 2304(f)(1)” and inserting “section
16 3204(e)(1)”.

17 (13) Section 3307(e)(1) is amended by striking
18 “chapter 140” and inserting “chapter 247”.

19 (14) Section 4104 is amended—

20 (A) in subsection (a), by striking “sections
21 2304a to 2304d” and inserting “chapter 245”;

22 and

23 (B) in subsection (b)—

1 (i) in paragraph (1), by striking “sec-
2 tions 2304a to 2304d” and inserting
3 “chapter 245”;

4 (ii) in paragraph (2)(B), by striking
5 “section 2304c(b)” and inserting “section
6 3406(c)”; and

7 (iii) in paragraph (2)(C), by striking
8 “section 2304c(c)” and inserting “section
9 3406(e)”.

10 (i) AMENDMENTS TO LAWS CLASSIFIED AS NOTES
11 IN TITLE 41, UNITED STATES CODE.—

12 (1) Section 555 of the FAA Reauthorization
13 Act of 2018 (Public Law 115–254; 41 U.S.C. pre-
14 ceding 3101 note) is amended by striking “section
15 2305” in subsections (a)(4) and (c)(1) and inserting
16 “sections 3206 through 3208 and sections 3301
17 through 3309”.

18 (2) Section 846(f)(5) of the National Defense
19 Authorization Act for Fiscal Year 2018 (Public Law
20 115–91; 41 U.S.C. 1901 note) is amended by strik-
21 ing “section 2304” and inserting “sections 3201
22 through 3205”.

23 (3) Section 811 of the National Defense Au-
24 thorization Act for Fiscal Year 2010 (Public Law
25 111–84; 41 U.S.C. 3304 note) is amended—

1 (A) in subsection (a)(3), by striking “sec-
2 tions 2304(f)(1)(C) and 2304(l)” and inserting
3 “sections 3204(e)(1)(C) and 3204(g)”;

4 (B) in subsection (c)—

5 (i) in paragraph (1)(A), by striking
6 “section 2304(f)(2)(D)(ii)” and inserting
7 “section 3204(e)(4)(D)(ii)”;

8 (ii) in paragraph (2)(A), by striking
9 “section 2302(1)” and inserting “section
10 3004”; and

11 (iii) in paragraph (3)(A), by striking
12 “section 2304(f)(1)(B)” and inserting
13 “section 3204(e)(1)(B)”.

14 (j) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 42,
15 UNITED STATES CODE.—

16 (1) The Public Health Service Act (Public Law
17 78–410) is amended—

18 (A) in section 301(a)(7) (42 U.S.C.
19 241(a)(7)), by striking “sections 2353 and
20 2354” and inserting “sections 3861 and 4141”;
21 and

22 (B) in section 405(b)(1) (42 U.S.C.
23 284(b)(1)), by striking “section 2354” and in-
24 serting “section 3861”.

1 (2) Section 403(a) of the Housing Amendments
2 of 1955 (42 U.S.C. 1594(a)) is amended by striking
3 “section 3 of the Armed Services Procurement Act
4 of 1947” and inserting “chapters 221 and 241 of
5 title 10, United States Code”.

6 (3) Title II of the Department of Housing and
7 Urban Development-Independent Agencies Appro-
8 priations Act, 1986 (Public Law 99–160), is amend-
9 ed by striking “section 2354” in the last proviso in
10 the paragraph under the heading “National Science
11 Foundation — Research and Related Activities” (42
12 U.S.C. 1887) and inserting “section 3861”.

13 (4) Section 306(b)(2) of the Disaster Mitigation
14 Act of 2000 (42 U.S.C. 5206(b)(2)) is amended by
15 striking “section 2393(c)” and inserting “section
16 4654(e)”.

17 (5) Section 801(c)(2) of the National Energy
18 Conservation Policy Act (42 U.S.C. 8287) is amend-
19 ed by striking “section 2304c(d)” and all that fol-
20 lows and inserting “section 3406(d) of title 10,
21 United States Code, and section 4106(d) of title 41,
22 United States Code.”.

23 (6) Section 3021(a) of the Energy Policy Act of
24 1992 (42 U.S.C. 13556) is amended by striking
25 “chapter 137 of title 10” and inserting “chapter

1 137 legacy provisions (as such term is defined in
2 section 3016 of title 10, United States Code)”.

3 (k) AMENDMENTS TO LAWS CLASSIFIED IN TITLE
4 50, UNITED STATES CODE.—

5 (1) Section 141(a) of the Bob Stump National
6 Defense Authorization Act for Fiscal Year 2003
7 (Public Law 107–314; 50 U.S.C. 1521a(a)) is
8 amended by striking “section 2430” and inserting
9 “section 4201”.

10 (2) Section 502(a) of the National Emergencies
11 Act (50 U.S.C. 1651(a)) is amended by striking
12 paragraphs (1) through (5) and inserting the fol-
13 lowing:

14 “(1) Chapters 1 to 11 of title 40, United States
15 Code, and division C (except sections 3302, 3307(e),
16 3501(b), 3509, 3906, 4710, and 4711) of subtitle I
17 of title 41, United States Code.

18 “(2) Section 3727(a)–(e)(1) of title 31, United
19 States Code.

20 “(3) Section 6305 of title 41, United States
21 Code.

22 “(4) Public Law 85–804 (Act of Aug. 28, 1958,
23 72 Stat. 972; 50 U.S.C. 1431 et seq.).

24 “(5) Section 3201(a) of title 10, United States
25 Code.”.

1 (3) The Atomic Energy Defense Act is amended
2 as follows:

3 (A) Sections 4217 and 4311 (50 U.S.C.
4 2537, 2577) are each amended in subsection
5 (a)(2) by striking “section 2432” and inserting
6 “chapter 324”.

7 (B) Section 4813 (50 U.S.C. 2794) is
8 amended by striking “section 2500” in sub-
9 section (c)(1)(C) and inserting “section 4801”.

10 (4) Section 107 of the Defense Production Act
11 (50 U.S.C. 4517) is amended in subsection
12 (b)(2)(B) by striking clauses (i) and (ii) and insert-
13 ing the following:

14 “(i) section 3203(a)(1)(B) or
15 3204(a)(3) of title 10, United States Code;

16 “(ii) section 3303(a)(1)(B) or
17 3304(a)(3) of title 41, United States Code;
18 or”.

19 (l) OTHER AMENDMENTS.—

20 (1) Section 1473H of the National Agriculture
21 Advanced Research, Extension, and Teaching Policy
22 Act of 1977 (7 U.S.C. 3319k) is amended by strik-
23 ing “section 2371” in subsections (b)(6)(A) and
24 (d)(1)(B) and inserting “section 4002”.

1 (2) Section 1301 of title 17, United States
2 Code, is amended in subsection (a)(3) by striking
3 “section 2320” and inserting “subchapter I of chap-
4 ter 275”.

5 (3) Section 21 of the Arms Export Control Act
6 (22 U.S.C. 2761) is amended by striking “chapter
7 137” in subsection (l)(4) and subsection (m)(4) and
8 inserting “chapter 137 legacy provisions (as such
9 term is defined in section 3016 of title 10, United
10 States Code)”.

11 (4) Section 3 of the Foreign Direct Investment
12 and International Financial Data Improvements Act
13 of 1990 (Public Law 101–533; 22 U.S.C. 3142) is
14 amended in subsection (c)(2) by striking “section
15 2505” and inserting “section 4816”.

16 (5) Section 3553 of title 31, United States
17 Code, is amended in subsection (d)(4)(B) by striking
18 “section 2305(b)(5)(B)(vii)” and inserting “section
19 3304(e)(7)”.

20 (6) Section 226 of the Water Resources Devel-
21 opment Act of 1992 (33 U.S.C. 569f) is amended by
22 striking “section 2393(c)” and inserting “section
23 4654(e)”.

24 (7) Section 40728B(e) of title 36, United
25 States Code, is amended—

1 (A) striking “subsection (k) of section
2 2304” and inserting “section 3201(e)”; and

3 (B) by striking “subsection (c) of such sec-
4 tion” and inserting “section 3204(a)”.

5 (8) Section 1427(b) of the National Defense
6 Authorization Act for Fiscal Year 2004 (Public Law
7 108–136; 40 U.S.C. 1103 note) is amended by strik-
8 ing “sections 2304a and 2304b” and inserting “sec-
9 tions 3403 and 3405”.

10 (9) Section 895(b) of the National Defense Au-
11 thorization Act for Fiscal Year 2017 (Public Law
12 114–328; 40 U.S.C. 11103 note) is amended by
13 striking “section 2366a(d)(7)” and inserting “sec-
14 tion 4251(d)(5)”.

15 (10) Sections 50113(c), 50115(b), and
16 50132(a) of title 51, United States Code, are
17 amended by striking “including chapters 137 and
18 140” and inserting “including applicable provisions
19 of chapters 201 through 285, 341 through 343, and
20 363”.

21 (11) Section 823(c)(3)(C) of the National Aero-
22 nautics and Space Administration Transition Au-
23 thorization Act of 2017 (Public Law 115–10; 51
24 U.S.C. preceding 30301 note) is amended by strik-
25 ing “section 2319” and inserting “section 3243”.

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division and title XLVI of division D may be
6 cited as the “Military Construction Authorization Act for
7 Fiscal Year 2022”.

8 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
9 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
10 **LAW.**

11 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
12 YEARS.—Except as provided in subsection (b), all author-
13 izations contained in titles XXI through XXVII for mili-
14 tary construction projects, land acquisition, family housing
15 projects and facilities, and contributions to the North At-
16 lantic Treaty Organization Security Investment Program
17 (and authorizations of appropriations therefor) shall ex-
18 pire on the later of—

19 (1) October 1, 2024; or

20 (2) the date of the enactment of an Act author-
21 izing funds for military construction for fiscal year
22 2025.

23 (b) EXCEPTION.—Subsection (a) shall not apply to
24 authorizations for military construction projects, land ac-
25 quisition, family housing projects and facilities, and con-

1 tributions to the North Atlantic Treaty Organization Se-
2 curity Investment Program (and authorizations of appro-
3 priations therefor), for which appropriated funds have
4 been obligated before the later of—

5 (1) October 1, 2024; or

6 (2) the date of the enactment of an Act author-
7 izing funds for fiscal year 2025 for military con-
8 struction projects, land acquisition, family housing
9 projects and facilities, or contributions to the North
10 Atlantic Treaty Organization Security Investment
11 Program.

12 **SEC. 2003. EFFECTIVE DATE.**

13 Titles XXI through XXVII shall take effect on the
14 later of—

15 (1) October 1, 2021; or

16 (2) the date of the enactment of this Act.

17 **TITLE XXI—ARMY MILITARY**
18 **CONSTRUCTION**

19 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
20 **ACQUISITION PROJECTS.**

21 (a) **INSIDE THE UNITED STATES.**—Using amounts
22 appropriated pursuant to the authorization of appropria-
23 tions in section 2103(a) and available for military con-
24 struction projects inside the United States as specified in
25 the funding table in section 4601, the Secretary of the

1 Army may acquire real property and carry out military
 2 construction projects for the installations or locations in-
 3 side the United States, and in the amounts, set forth in
 4 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$25,000,000
	Fort Rucker	\$66,000,000
	Redstone Arsenal	\$55,000,000
California	Fort Irwin	\$52,000,000
Georgia	Fort Stewart	\$100,000,000
Hawaii	West Loch Naval Magazine Annex	\$51,000,000
Kansas	Fort Leavenworth	\$34,000,000
Kentucky	Fort Knox	\$27,000,000
Louisiana	Fort Polk	\$111,000,000
Maryland	Fort Detrick	\$23,981,000
	Fort Meade	\$81,000,000
New Jersey	Armaments Center	\$1,800,000
New York	Fort Hamilton	\$26,000,000
	Watervliet Arsenal	\$20,000,000
Pennsylvania	Letterkenny Army Depot	\$21,000,000
Texas	Fort Hood	\$90,200,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2103(a) and available for military con-
 8 struction projects outside the United States as specified
 9 in the funding table in section 4601, the Secretary of the
 10 Army may acquire real property and carry out military
 11 construction projects for the installations outside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

Army: Outside the United States

State	Installation	Amount
Belgium	Shape Headquarters	\$16,000,000
Germany	Smith Barracks	\$33,500,000
	East Camp Grafenwoehr	\$103,000,000
Classified Location	Classified Location	\$31,000,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2103(a) and available for military
 5 family housing functions as specified in the funding table
 6 in section 4601, the Secretary of the Army may construct
 7 or acquire family housing units (including land acquisition
 8 and supporting facilities) at the installation, in the num-
 9 ber of units or for the purpose, and in the amount set
 10 forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Italy	Vicenza	Family Housing New Construc- tion	\$92,304,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2103(a) and available for military family housing
 14 functions as specified in the funding table in section 4601,
 15 the Secretary of the Army may carry out architectural and
 16 engineering services and construction design activities
 17 with respect to the construction or improvement of family
 18 housing units in an amount not to exceed \$22,545,000.

19 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 21 are hereby authorized to be appropriated for fiscal years
 22 beginning after September 30, 2021, for military con-

1 construction, land acquisition, and military family housing
2 functions of the Department of the Army as specified in
3 the funding table in section 4601.

4 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
5 **PROJECTS.**—Notwithstanding the cost variations author-
6 ized by section 2853 of title 10, United States Code, and
7 any other cost variation authorized by law, the total cost
8 of all projects carried out under section 2101 of this Act
9 may not exceed the total amount authorized to be appro-
10 priated under subsection (a), as specified in the funding
11 table in section 4601.

12 **SEC. 2104. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
13 **TAIN FISCAL YEAR 2017 PROJECT.**

14 (a) **EXTENSION.**—Notwithstanding section 2002 of
15 the Military Construction Authorization Act for Fiscal
16 Year 2017 (division B of Public Law 114–328; 130 Stat.
17 2688), the authorization set forth in the table in sub-
18 section (b), as provided in section 2101 of that Act (130
19 Stat. 2689), shall remain in effect until October 1, 2023,
20 or the date of the enactment of an Act authorizing funds
21 for military construction for fiscal year 2024, whichever
22 is later.

23 (b) **TABLE.**—The table referred to in subsection (a)
24 is as follows:

Army: Extension of 2017 Project Authorization

Country	Installation	Project	Original Authorized Amount
Germany	Wiesbaden Army Airfield	Hazardous Material Storage Building	\$2,700,000

1 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2021 PROJECT.**

3 (a) MODIFICATION OF PROJECT AUTHORITY.—In the
4 case of the authorization contained in the table in section
5 2101(a) of the Military Construction Authorization Act
6 for Fiscal Year 2021 (division B of Public Law 116–283;
7 134 Stat. __) for Fort Wainwright, Alaska, for construc-
8 tion of Unaccompanied Enlisted Personnel Housing, as
9 specified in the funding table in section 4601 of such Pub-
10 lic Law (134 Stat. __), the Secretary of the Army may
11 construct—

12 (1) an Unaccompanied Enlisted Personnel
13 Housing building of 104,300 square feet to incor-
14 porate a modified standard design; and

15 (2) an outdoor recreational shelter, sports fields
16 and courts, barbecue and leisure area, and fitness
17 stations associated with the Unaccompanied Enlisted
18 Personnel Housing.

19 (b) MODIFICATION OF PROJECT AMOUNTS.—

20 (1) DIVISION B TABLE.—The authorization
21 table in section 2101(a) of the Military Construction

1 Authorization Act for Fiscal Year 2021 (division B
2 of Public Law 116–283; 134 Stat. __) is amended
3 in the item relating to Fort Wainwright, Alaska, by
4 striking “\$114,000,000” and inserting
5 “\$146,000,000” to reflect the project modification
6 made by subsection (a).

7 (2) DIVISION D TABLE.—The funding table in
8 section 4601 of Public Law 116–283 (134 Stat. __)
9 is amended in the item relating to Fort Wainwright
10 Unaccompanied Enlisted Personnel Housing by
11 striking “\$59,000” in the Conference Authorized
12 column and inserting “\$91,000” to reflect the
13 project modification made by subsection (a).

14 **SEC. 2106. ADDITIONAL AUTHORIZED FUNDING SOURCE**
15 **FOR CERTAIN FISCAL YEAR 2022 PROJECT.**

16 To carry out an unspecified minor military construc-
17 tion project in the amount of \$3,600,000 at Aberdeen
18 Proving Ground, Maryland, to construct a 6,000 square
19 foot recycling center to meet the requirements of a quali-
20 fied recycling program at the installation, the Secretary
21 of the Army may use funds available to the Secretary
22 under section 2667(e)(1)(C) of title 10, United States
23 Code, in addition to funds appropriated for unspecified
24 minor military construction for the project.

**TITLE XXII—NAVY MILITARY
CONSTRUCTION**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station Yuma	\$99,600,000
California	Air Ground Combat Center Twentynine Palms	\$45,000,000
	San Nicolas Island	\$19,907,000
Guam	Andersen Air Force Base	\$50,890,000
	Joint Region Marianas	\$507,527,000
Hawaii	Marine Corps Base Kaneohe	\$101,200,000
North Carolina	Cherry Point Marine Corps Air Station	\$321,417,000
Nevada	Naval Air Station Fallon	\$48,250,000
Virginia	Marine Corps Base Quantico	\$42,850,000
	Naval Station Norfolk	\$269,693,000
	Norfolk Naval Shipyard	\$156,380,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military

1 construction projects for the installation outside the
 2 United States, and in the amount, set forth in the fol-
 3 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Japan	Fleet Activities Yokosuka	\$49,900,000

4 **SEC. 2202. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2203(a) and available for military
 8 family housing functions as specified in the funding table
 9 in section 4601, the Secretary of the Navy may construct
 10 or acquire family housing units (including land acquisition
 11 and supporting facilities) at the installations or locations,
 12 in the number of units or for the purposes, and in the
 13 amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units or Purpose	Amount
District of Columbia	Marine Barracks Washington	Family housing improvements	\$10,415,000
Japan	Fleet Activities Yokosuka	Family housing improvements	\$61,469,000

14 (b) PLANNING AND DESIGN.—Using amounts appro-
 15 priated pursuant to the authorization of appropriations in
 16 section 2203(a) and available for military family housing
 17 functions as specified in the funding table in section 4601,
 18 the Secretary of the Navy may carry out architectural and

1 engineering services and construction design activities
2 with respect to the construction or improvement of family
3 housing units in an amount not to exceed \$3,634,000.

4 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated for fiscal years
7 beginning after September 30, 2021, for military con-
8 struction, land acquisition, and military family housing
9 functions of the Department of the Navy, as specified in
10 the funding table in section 4601.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under section 2201 of this Act
16 may not exceed the total amount authorized to be appro-
17 priated under subsection (a), as specified in the funding
18 table in section 4601.

19 **TITLE XXIII—AIR FORCE**
20 **MILITARY CONSTRUCTION**

21 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
22 **LAND ACQUISITION PROJECTS.**

23 (a) INSIDE THE UNITED STATES.—Using amounts
24 appropriated pursuant to the authorization of appropria-
25 tions in section 2303(a) and available for military con-

1 construction projects inside the United States as specified in
 2 the funding table in section 4601, the Secretary of the
 3 Air Force may acquire real property and carry out mili-
 4 tary construction projects for the installations or locations
 5 inside the United States, and in the amounts, set forth
 6 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Joint Base Elmendorf-Richardson	\$251,000,000
Arizona	Davis-Monthan Air Force Base	\$13,400,000
	Luke Air Force Base	\$49,000,000
California	Vandenberg Air Force Base	\$67,000,000
Colorado	Schriever Air Force Base	\$30,000,000
	United States Air Force Academy	\$4,360,000
District of Columbia	Joint Base Anacostia-Bolling	\$24,000,000
Guam	Joint Region Marianas	\$85,000,000
Louisiana	Barksdale Air Force Base	\$272,000,000
Maryland	Joint Base Andrews	\$33,800,000
Massachusetts	Hanscom Air Force Base	\$66,000,000
Nebraska	Offutt Air Force Base	\$5,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	\$4,500,000
Ohio	Wright-Patterson Air Force Base	\$24,000,000
Oklahoma	Tinker Air Force Base	\$160,000,000
South Carolina	Joint Base Charleston	\$30,000,000
South Dakota	Ellsworth Air Force Base	\$242,000,000
Texas	Joint Base San Antonio	\$192,000,000
	Sheppard Air Force Base	\$20,000,000
Virginia	Joint Base Langley-Eustis	\$24,000,000

7 (b) OUTSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2303(a) and available for military con-
 10 struction projects outside the United States as specified
 11 in the funding table in section 4601, the Secretary of the
 12 Air Force may acquire real property and carry out mili-
 13 tary construction projects for the installations or locations
 14 outside the United States, and in the amounts, set forth
 15 in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Royal Australian Air Force Base Darwin	\$7,400,000
	Royal Australian Air Force Base Tindal	\$14,400,000
Japan	Kadena Air Base	\$206,000,000
	Misawa Air Base	\$25,000,000
United Kingdom	Royal Air Force Lakenheath	\$104,000,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) IMPROVEMENTS TO MILITARY FAMILY HOUSING
3 UNITS.—Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2303(a) and
6 available for military family housing functions as specified
7 in the funding table in section 4601, the Secretary of the
8 Air Force may improve existing military family housing
9 units in an amount not to exceed \$105,528,000.

10 (b) PLANNING AND DESIGN.—Using amounts appro-
11 priated pursuant to the authorization of appropriations in
12 section 2303(a) and available for military family housing
13 functions as specified in the funding table in section 4601,
14 the Secretary of the Air Force may carry out architectural
15 and engineering services and construction design activities
16 with respect to the construction or improvement of family
17 housing units in an amount not to exceed \$10,458,000.

18 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR**
19 **FORCE.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
21 are hereby authorized to be appropriated for fiscal years

1 beginning after September 30, 2021, for military con-
2 struction, land acquisition, and military family housing
3 functions of the Department of the Air Force, as specified
4 in the funding table in section 4601.

5 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
6 **PROJECTS.**—Notwithstanding the cost variations author-
7 ized by section 2853 of title 10, United States Code, and
8 any other cost variation authorized by law, the total cost
9 of all projects carried out under section 2301 may not ex-
10 ceed the total amount authorized to be appropriated under
11 subsection (a), as specified in the funding table in section
12 4601.

13 **SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
14 **TAIN FISCAL YEAR 2017 PROJECTS.**

15 (a) **EXTENSION.**—Notwithstanding section 2002 of
16 the Military Construction Authorization Act for Fiscal
17 Year 2017 (division B of Public Law 114–328; 130 Stat.
18 2688), the authorizations set forth in the table in sub-
19 section (b), as provided in sections 2301 and 2902 of that
20 Act (130 Stat. 2696, 2743), shall remain in effect until
21 October 1, 2023, or the date of the enactment of an Act
22 authorizing funds for military construction for fiscal year
23 2024, whichever is later.

24 (b) **TABLE.**—The table referred to in subsection (a)
25 is as follows:

Air Force: Extension of 2017 Project Authorizations

State or Country	Installation or Location	Project	Original Authorized Amount
Germany	Ramstein Air Base	37 AS Squadron Operations/Aircraft Maintenance Unit	\$13,437,000
	Spangdahlem Air Base	F/A-22 Low Observable/Composite Repair Facility	\$12,000,000
	Spangdahlem Air Base	Upgrade Hardened Aircraft Shelters for F/A-22	\$2,700,000
Guam	Joint Region Marianas	APR - Munitions Storage Igloos, Phase 2	\$35,300,000
	Joint Region Marianas	APR - SATCOM C4I Facility	\$14,200,000
Japan	Kadena Air Base	APR - Replace Munitions Structures	\$19,815,000
	Yokota Air Base	C-130J Corrosion Control Hangar ...	\$23,777,000
	Yokota Air Base	Construct Combat Arms Training and Maintenance Facility	\$8,243,000
Massachusetts	Hanscom Air Force Base	Vandenberg Gate Complex	\$10,965,000
United Kingdom	Royal Air Force Croughton	Main Gate Complex	\$16,500,000

1 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **MILITARY CONSTRUCTION PROJECTS AT**
3 **TYNDALL AIR FORCE BASE, FLORIDA.**

4 (a) FISCAL YEAR 2018 PROJECT.—In the case of the
5 authorization contained in the table in section 2301(b) of
6 the Military Construction Authorization Act for Fiscal
7 Year 2018 (division B of Public Law 115–91; 131 Stat.
8 1825) for Tyndall Air Force Base, Florida, for construc-
9 tion of a Fire Station, as specified in the funding table
10 in section 4601 of that Public Law (131 Stat. 2002), the
11 Secretary of the Air Force may construct a crash rescue/

1 structural fire station encompassing up to 3,588 square
2 meters.

3 (b) FISCAL YEAR 2020 PROJECTS.—In the case of
4 the authorization contained in section 2912(a) of the Mili-
5 tary Construction Authorization Act for Fiscal Year 2020
6 (division B of Public Law 116–92; 133 Stat. 1913) for
7 Tyndall Air Force Base, Florida—

8 (1) for construction of Site Development, Utili-
9 ties, and Demo Phase 1, as specified in the Natural
10 Disaster Recovery Justification Book dated August
11 2019, the Secretary of the Air Force may con-
12 struct—

13 (A) up to 3,698 lineal meters of waste
14 water utilities;

15 (B) up to 6,306 lineal meters of storm
16 water utilities; and

17 (C) two emergency power backup genera-
18 tors;

19 (2) for construction of Munitions Storage Fa-
20 cilities, as specified in the Natural Disaster Recovery
21 Justification Book dated August 2019, the Secretary
22 of the Air Force may construct—

23 (A) up to 4,393 square meters of aircraft
24 support equipment storage yard;

1 (B) up to 1,535 square meters of tactical
2 missile maintenance facility; and

3 (C) up to 560 square meters of missile
4 warhead assembly and maintenance shop and
5 storage;

6 (3) for construction of 53 WEG Complex, as
7 specified in the Natural Disaster Recovery Justifica-
8 tion Book dated August 2019, the Secretary of the
9 Air Force may construct—

10 (A) up to 1,693 square meters of aircraft
11 maintenance shop;

12 (B) up to 1,458 square meters of fuel sys-
13 tems maintenance dock; and

14 (C) up to 3,471 square meters of group
15 headquarters;

16 (4) for construction of 53 WEG Subscale Drone
17 Facility, as specified in the Natural Disaster Recov-
18 ery Justification Book dated August 2019, the Sec-
19 retary of the Air Force may construct up to 511
20 square meters of pilotless aircraft shop in a separate
21 facility;

22 (5) for construction of CE/Contracting/USACE
23 Complex, as specified in the Natural Disaster Recov-
24 ery Justification Book dated August 2019, the Sec-
25 retary of the Air Force may construct—

1 (A) up to 557 square meters of base engi-
2 neer storage shed 6000 area; and

3 (B) up to 183 square meters of non-Air
4 Force administrative office;

5 (6) for construction of Logistics Readiness
6 Squadron Complex, as specified in the Natural Dis-
7 aster Recovery Justification Book dated August
8 2019, the Secretary of the Air Force may con-
9 struct—

10 (A) up to 802 square meters of supply ad-
11 ministrative headquarters;

12 (B) up to 528 square meters of vehicle
13 wash rack; and

14 (C) up to 528 square meters of vehicle
15 service rack;

16 (7) for construction of Fire Station Silver Flag
17 #4, as specified in the Natural Disaster Recovery
18 Justification Book dated August 2019, the Secretary
19 of the Air Force may construct up to 651 square
20 meters of fire station;

21 (8) for construction of AFCEC RDT&E, as
22 specified in the Natural Disaster Recovery Justifica-
23 tion Book dated August 2019, the Secretary of the
24 Air Force may construct—

1 (A) up to 501 square meters of CE Mat
2 Test Runway Support Building;

3 (B) up to 1,214 square meters of Robotics
4 Range Control Support Building; and

5 (C) up to 953 square meters of fire ga-
6 rage;

7 (9) for construction of Flightline–Munitions
8 Storage, 7000 Area, as specified in the funding table
9 in section 4603 of that Public Law (133 Stat.
10 2103), the Secretary of the Air Force may con-
11 struct—

12 (A) up to 1,861 square meters of above
13 ground magazines; and

14 (B) up to 530 square meters of air support
15 equipment shop/storage facility pad;

16 (10) for construction of Site Development, Util-
17 ities and Demo Phase 2, as specified in such funding
18 table and modified by section 2306(a)(6) of the Mili-
19 tary Construction Authorization Act for Fiscal Year
20 2021 (division B of Public Law 116–283; 134 Stat.
21 __), the Secretary of the Air Force may construct—

22 (A) up to 5,233 lineal meters of storm
23 water utilities;

24 (B) up to 48,560 square meters of roads;

1 (C) up to 3,612 lineal meters of gas pipe-
2 line; and

3 (D) up to 993 square meters of water fire
4 pumping station with an emergency backup
5 generator;

6 (11) for construction of Tyndall AFB Gate
7 Complexes, as specified in such funding table and
8 modified by section 2306(a)(9) of the Military Con-
9 struction Authorization Act for Fiscal Year 2021
10 (division B of Public Law 116–283; 134 Stat. __),
11 the Secretary of the Air Force may construct—

12 (A) up to 52,694 square meters of road-
13 way with serpentines; and

14 (B) up to 20 active/passive barriers;

15 (12) for construction of Deployment Center/
16 Flight Line Dining/AAFES, as specified in such
17 funding table and modified by section 2306(a)(11)
18 of the Military Construction Authorization Act for
19 Fiscal Year 2021 (division B of Public Law 116–
20 283; 134 Stat. __), the Secretary of the Air Force
21 may construct up to 144 square meters of AAFES
22 shoppette;

23 (13) for construction of Airfield Drainage, as
24 specified in such funding table and modified by sec-
25 tion 2306(a)(12) of the Military Construction Au-

1 thorization Act for Fiscal Year 2021 (division B of
2 Public Law 116–283; 134 Stat. __), the Secretary
3 of the Air Force may construct—

4 (A) up to 37,357 meters of drainage ditch;

5 (B) up to 18,891 meters of storm drain
6 pipings;

7 (C) up to 19,131 meters of box culvert;

8 (D) up to 3,704 meters of concrete block
9 swale;

10 (E) up to 555 storm drain structures; and

11 (F) up to 81,500 square meters of storm
12 drain ponds; and

13 (14) for construction of 325th Fighting Wing
14 HQ Facility, as specified in such funding table and
15 modified by section 2306(a)(13) of the Military Con-
16 struction Authorization Act for Fiscal Year 2021
17 (division B of Public Law 116–283; 134 Stat. __),
18 the Secretary of the Air Force may construct up to
19 769 square meters of separate administrative space
20 for SAPR/SARC.

1 **TITLE XXIV—DEFENSE AGEN-**
 2 **CIES MILITARY CONSTRUC-**
 3 **TION**

4 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 5 **TION AND LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2403(a) and available for military con-
 9 struction projects inside the United States as specified in
 10 the funding table in section 4601, the Secretary of De-
 11 fense may acquire real property and carry out military
 12 construction projects for the installations or locations in-
 13 side the United States, and in the amounts, set forth in
 14 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
California	Marine Corps Base Camp Pendleton	\$13,600,000
	Naval Base Coronado	\$54,200,000
Colorado	Buckley Air Force Base	\$20,000,000
Georgia	Fort Benning	\$62,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$29,800,000
Maryland	Fort Meade	\$1,201,000,000
New Mexico	Kirtland Air Force Base	\$8,600,000
Virginia	Fort Belvoir	\$29,800,000
	Pentagon	\$50,543,000
Washington	Naval Health Clinic Oak Harbor	\$59,000,000

15 (b) OUTSIDE THE UNITED STATES.—Using amounts
 16 appropriated pursuant to the authorization of appropria-
 17 tions in section 2403(a) and available for military con-
 18 struction projects outside the United States as specified
 19 in the funding table in section 4601, the Secretary of De-

1 fense may acquire real property and carry out military
 2 construction projects for the installation or location out-
 3 side the United States, and in the amount, set forth in
 4 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$93,000,000
Japan	Kadena Air Base	\$24,000,000
	Misawa Air Base	\$6,000,000
United Kingdom	Royal Air Force Lakenheath	\$19,283,000

5 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-**
 6 **SERVATION INVESTMENT PROGRAM**
 7 **PROJECTS.**

8 (a) **INSIDE THE UNITED STATES.**—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2403(a) and available for energy conserva-
 11 tion projects as specified in the funding table in section
 12 4601, the Secretary of Defense may carry out energy con-
 13 servation projects under chapter 173 of title 10, United
 14 States Code, for the installations or locations inside the
 15 United States, and in the amounts, set forth in the fol-
 16 lowing table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$24,000,000
California	Marine Corps Air Station Miramar	\$4,054,000
	Naval Air Weapons Station China Lake	\$9,120,000
District of Co- lumbia	Joint Base Anacostia-Bolling	\$31,261,000
Florida	MacDill Air Force Base	\$22,000,000
Georgia	Fort Benning	\$17,593,000
	Fort Stewart	\$22,000,000
	Kings Bay Naval Submarine Base	\$19,314,000
Guam	Naval Base Guam	\$38,300,000

ERCIP Projects: Inside the United States—Continued

State	Installation or Location	Amount
Idaho	Mountain Home Air Force Base	\$33,800,000
Michigan	Camp Grayling	\$5,700,000
Mississippi	Camp Shelby	\$45,655,000
New York	Fort Drum	\$27,000,000
North Carolina ...	Fort Bragg	\$27,169,000
North Dakota	Cavalier Air Force Station	\$24,150,000
Ohio	Springfield-Beckley Municipal Airport	\$4,700,000
Puerto Rico	Fort Allen	\$12,190,000
	Ramey Unit School	\$10,120,000
Tennessee	Memphis International Airport	\$4,870,000
Virginia	National Geospatial Intelligence Agency Springfield	\$5,299,000
	Various Locations	\$2,965,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a) and available for energy conserva-
4 tion projects as specified in the funding table in section
5 4601, the Secretary of Defense may carry out energy con-
6 servation projects under chapter 173 of title 10, United
7 States Code, for the installations or locations outside the
8 United States, and in the amounts, set forth in the fol-
9 lowing table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Japan	Naval Air Facility Atsugi	\$3,810,000
Kuwait	Camp Arifjan	\$15,000,000

10 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
11 **FENSE AGENCIES.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for fiscal years
14 beginning after September 30, 2021, for military con-
15 struction, land acquisition, and military family housing

1 functions of the Department of Defense (other than the
2 military departments), as specified in the funding table
3 in section 4601.

4 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
5 **PROJECTS.**—Notwithstanding the cost variations author-
6 ized by section 2853 of title 10, United States Code, and
7 any other cost variation authorized by law, the total cost
8 of all projects carried out under section 2401 of this Act
9 may not exceed the total amount authorized to be appro-
10 priated under subsection (a), as specified in the funding
11 table in section 4601.

12 **SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
13 **TAIN FISCAL YEAR 2017 PROJECT.**

14 (a) **EXTENSION.**—Notwithstanding section 2002 of
15 the Military Construction Authorization Act for Fiscal
16 Year 2017 (division B of Public Law 114–328; 130 Stat.
17 2688), the authorization set forth in the table in sub-
18 section (b), as provided in section 2401 of that Act (130
19 Stat. 2700), shall remain in effect until October 1, 2023,
20 or the date of the enactment of an Act authorizing funds
21 for military construction for fiscal year 2024, whichever
22 is later.

23 (b) **TABLE.**—The table referred to in subsection (a)
24 is as follows:

Defense Agencies: Extension of 2017 Project Authorization

Country	Installation	Project	Original Authorized Amount
Japan	Yokota Air Base	Hanger/AMU	\$39,466,000

1 **TITLE XXV—INTERNATIONAL**
2 **PROGRAMS**
3 **Subtitle A—North Atlantic Treaty**
4 **Organization Security Invest-**
5 **ment Program**

6 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 The Secretary of Defense may make contributions for
9 the North Atlantic Treaty Organization Security Invest-
10 ment Program as provided in section 2806 of title 10,
11 United States Code, in an amount not to exceed the sum
12 of the amount authorized to be appropriated for this pur-
13 pose in section 2502 and the amount collected from the
14 North Atlantic Treaty Organization as a result of con-
15 struction previously financed by the United States.

16 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2021, for con-
19 tributions by the Secretary of Defense under section 2806
20 of title 10, United States Code, for the share of the United
21 States of the cost of projects for the North Atlantic Treaty
22 Organization Security Investment Program authorized by

1 section 2501 as specified in the funding table in section
 2 4601.

3 **Subtitle B—Host Country In-Kind**
 4 **Contributions**

5 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
 6 **PROJECTS.**

7 (a) **AUTHORITY TO ACCEPT PROJECTS.**—Pursuant to
 8 agreement with the Republic of Korea for required in-kind
 9 contributions, the Secretary of Defense may accept mili-
 10 tary construction projects for the installations or locations
 11 in the Republic of Korea, and in the amounts, set forth
 12 in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Humphreys	Unaccompanied Enlisted Personnel Housing	\$52,000,000
Army	Camp Humphreys	Type I Aircraft Parking Apron and Parallel Taxiway	\$48,000,000
Army	Camp Humphreys	Black Hat Intelligence Fusion Center	\$149,000,000
Navy	Mujuk	Expeditionary Dining Facility	\$10,200,000
Air Force	Gimhae Air Base	Repair Contingency Hospital	\$75,000,000
Air Force	Osan Air Base	Munitions Storage Area Move Delta (Phase 2) ...	\$171,000,000

13 (b) **AUTHORIZED APPROACH TO CERTAIN CON-**
 14 **STRUCTION PROJECT.**—Section 2350k of title 10, United
 15 States Code, shall apply with respect to the construction
 16 of the Black Hat Intelligence Fusion Center at Camp
 17 Humphreys, Republic of Korea, as set forth in the table
 18 in subsection (a).

1 **SEC. 2512. REPUBLIC OF POLAND FUNDED CONSTRUCTION**
 2 **PROJECTS.**

3 Pursuant to agreement with the Republic of Poland
 4 for required in-kind contributions, the Secretary of De-
 5 fense may accept military construction projects for the in-
 6 stallations or locations in the Republic of Poland, and in
 7 the amounts, set forth in the following table:

Republic of Poland Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Poznan	Command and Control Facility	\$30,000,000
Army	Poznan	Information Systems Facility	\$7,000,000

8 **TITLE XXVI—GUARD AND**
 9 **RESERVE FORCES FACILITIES**

10 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 11 **STRUCTION AND LAND ACQUISITION**
 12 **PROJECTS.**

13 Using amounts appropriated pursuant to the author-
 14 ization of appropriations in section 2606 and available for
 15 the National Guard and Reserve as specified in the fund-
 16 ing table in section 4601, the Secretary of the Army may
 17 acquire real property and carry out military construction
 18 projects for the Army National Guard installations or lo-
 19 cations inside the United States, and in the amounts, set
 20 forth in the following table:

Army National Guard

State	Installation or Location	Amount
California	Beale Air Force Base	\$33,000,000
Connecticut	National Guard Armory Putnam	\$17,500,000
Georgia	Fort Benning	\$13,200,000
Guam	Barrigada National Guard Complex	\$34,000,000
Idaho	National Guard Armory Jerome	\$15,000,000
Illinois	National Guard Armory Bloomington	\$15,000,000
Kansas	National Guard Reserve Center	\$16,732,000
Louisiana	Camp Minden	\$13,800,000
	National Guard Armory Lake Charles	\$18,500,000
Maine	National Guard Armory Saco	\$21,200,000
Michigan	Camp Grayling	\$16,000,000
Mississippi	Camp Shelby	\$15,500,000
Montana	National Guard Armory Butte	\$16,000,000
Nebraska	Camp Ashland	\$11,000,000
North Dakota	North Dakota Army National Guard Recruiting	\$15,500,000
South Carolina	McEntire Joint National Guard Base	\$9,000,000
Virginia	National Guard Armory Troutville	\$13,000,000
	National Guard Aviation Support Facility	\$5,805,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606 and available for
5 the National Guard and Reserve as specified in the fund-
6 ing table in section 4601, the Secretary of the Army may
7 acquire real property and carry out military construction
8 projects for the Army Reserve installations or locations in-
9 side the United States, and in the amounts, set forth in
10 the following table:

Army Reserve

State	Installation or Location	Amount
Michigan	Army Reserve Center Southfield	\$12,000,000
Ohio	Wright-Patterson Air Force Base	\$19,000,000
Wisconsin	Fort McCoy	\$94,600,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 2 **CORPS RESERVE CONSTRUCTION AND LAND**
 3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2606 and available for
 6 the National Guard and Reserve as specified in the fund-
 7 ing table in section 4601, the Secretary of the Navy may
 8 acquire real property and carry out military construction
 9 projects for the Navy Reserve and Marine Corps Reserve
 10 installations or locations inside the United States, and in
 11 the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Installation or Location	Amount
Michigan	Naval Operational Support Center Battle Creek	\$49,090,000
Minnesota	Minneapolis Air Reserve Station	\$14,350,000

12 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2606 and available for
 16 the National Guard and Reserve as specified in the fund-
 17 ing table in section 4601, the Secretary of the Air Force
 18 may acquire real property and carry out military construc-
 19 tion projects for the Air National Guard installations or
 20 locations inside the United States, and in the amounts,
 21 set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Massachusetts	Barnes Air National Guard Base	\$12,200,000

Air National Guard—Continued

State	Installation or Location	Amount
Delaware	Newcastle Air National Guard Base	\$17,500,000
Idaho	Boise Air Terminal	\$6,500,000
Illinois	Abraham Capital Airport	\$10,200,000
Michigan	Alpena County Regional Airport	\$23,000,000
	W. K. Kellogg Regional Airport	\$10,000,000
Mississippi	Jackson International Airport	\$9,300,000
New York	Schenectady Municipal Airport	\$10,800,000
Ohio	Camp Perry	\$7,800,000
South Carolina	McEntire Joint National Guard Base	\$9,800,000
South Dakota	Joe Foss Field	\$9,800,000
Wisconsin	Truax Field	\$44,200,000
Wyoming	Cheyenne Municipal Airport	\$13,400,000

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2
3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606 and available for
5 the National Guard and Reserve as specified in the fund-
6 ing table in section 4601, the Secretary of the Air Force
7 may acquire real property and carry out military construc-
8 tion projects for the installations inside the United States,
9 and in the amounts, set forth in the following table:

Air Force Reserve

State	Installation	Amount
Florida	Homestead Air Force Reserve Base	\$14,000,000
	Patrick Air Force Base	\$18,500,000
Minnesota	Minneapolis-St. Paul International Airport	\$14,000,000
New York	Niagara Falls Air Reserve Station	\$10,600,000
Ohio	Youngstown Air Reserve Station	\$8,700,000

10 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
11 **TIONAL GUARD AND RESERVE.**

12 Funds are hereby authorized to be appropriated for
13 fiscal years beginning after September 30, 2021, for the
14 costs of acquisition, architectural and engineering services,
15 and construction of facilities for the Guard and Reserve

1 Forces, and for contributions therefor, under chapter
2 1803 of title 10, United States Code (including the cost
3 of acquisition of land for those facilities), as specified in
4 the funding table in section 4601.

5 **TITLE XXVII—BASE REALIGN-**
6 **MENT AND CLOSURE ACTIVI-**
7 **TIES**

8 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
9 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
10 **TIES FUNDED THROUGH DEPARTMENT OF**
11 **DEFENSE BASE CLOSURE ACCOUNT.**

12 Funds are hereby authorized to be appropriated for
13 fiscal years beginning after September 30, 2021, for base
14 realignment and closure activities, including real property
15 acquisition and military construction projects, as author-
16 ized by the Defense Base Closure and Realignment Act
17 of 1990 (part A of title XXIX of Public Law 101–510;
18 10 U.S.C. 2687 note) and funded through the Department
19 of Defense Base Closure Account established by section
20 2906 of such Act (as amended by section 2711 of the Mili-
21 tary Construction Authorization Act for Fiscal Year 2013
22 (division B of Public Law 112–239; 126 Stat. 2140)), as
23 specified in the funding table in section 4601.

1 **SEC. 2702. CONDITIONS ON CLOSURE OF PUEBLO CHEM-**
2 **ICAL DEPOT AND CHEMICAL AGENT-DE-**
3 **STRUCTION PILOT PLANT, COLORADO.**

4 (a) SUBMISSION OF FINAL CLOSURE AND DISPOSAL
5 PLANS.—

6 (1) PLANS REQUIRED.—Not later than 180
7 days after the date of the enactment of this Act, the
8 Secretary of the Army shall submit to the Commit-
9 tees on Armed Services of the Senate and the House
10 of Representatives—

11 (A) a plan for the final closure of Pueblo
12 Chemical Depot, Colorado, upon the completion
13 of the chemical demilitarization mission of the
14 Chemical Agent-Destruction Pilot Plant at
15 Pueblo Chemical Depot; and

16 (B) a plan for the disposal of all remaining
17 land, buildings, facilities, and equipment at
18 Pueblo Chemical Depot.

19 (2) LOCAL REDEVELOPMENT AUTHORITY
20 ROLE.—In preparing the disposal plan required by
21 paragraph (1)(B), the Secretary of the Army shall
22 recognize the appropriate role of the Local Redevel-
23 opment Authority.

24 (3) DEFINITION.—In this section, the term
25 “Local Redevelopment Authority” means the Local
26 Redevelopment Authority for Pueblo Chemical

1 Depot, as recognized by the Office of Local Defense
2 Community Cooperation.

3 (b) LOCAL REDEVELOPMENT AUTHORITY ELIGI-
4 BILITY FOR ASSISTANCE.—The Secretary of Defense, act-
5 ing through the Office of Local Defense Community Co-
6 operation, may make grants, conclude cooperative agree-
7 ments, and supplement other Federal funds in order to
8 assist the Local Redevelopment Authority in planning
9 community adjustments and economic diversification re-
10 quired by the closure of Pueblo Chemical Depot and the
11 Chemical Agent-Destruction Pilot Plant if the Secretary
12 determines that the closure is likely to have a direct and
13 significantly adverse consequence on nearby communities.

14 (c) GENERAL CLOSURE, REALIGNMENT, AND DIS-
15 POSAL PROHIBITION.—

16 (1) PROHIBITION; CERTAIN RECIPIENT EX-
17 CEPTED.—During the period specified in paragraph

18 (2), the Secretary of the Army shall take no ac-
19 tion—

20 (A) to close or realign Pueblo Chemical
21 Depot or the Chemical Agent-Destruction Pilot
22 Plant; or

23 (B) to dispose of any land, building, facil-
24 ity, or equipment that comprises any portion of
25 Pueblo Chemical Depot or the Chemical Agent-

1 Destruction Pilot Plant other than to the Local
2 Redevelopment Authority.

3 (2) DURATION.—The prohibition imposed by
4 paragraph (1) shall apply pending a final closure
5 and disposal decision for Pueblo Chemical Depot fol-
6 lowing submission of the final closure and disposal
7 plans required by subsection (a).

8 (d) PROHIBITION ON DEMOLITION OR DISPOSAL RE-
9 LATED TO CHEMICAL AGENT-DESTRUCTION PILOT
10 PLANT.—

11 (1) PROHIBITION; CERTAIN RECIPIENT EX-
12 CEPTED.—During the period specified in paragraph
13 (4), the Secretary of the Army may not—

14 (A) demolish any building, facility, or
15 equipment described in paragraph (2) that com-
16 prises any portion of the Chemical Agent-De-
17 struction Pilot Plant; or

18 (B) dispose of such building, facility, or
19 equipment other than to the Local Redevelop-
20 ment Authority.

21 (2) COVERED BUILDINGS, FACILITIES, AND
22 EQUIPMENT.—The prohibition imposed by para-
23 graph (1) shall apply to the following:

24 (A) Any building, facility, or equipment
25 where chemical munitions were present, but

1 where contamination did not occur, which are
2 considered by the Secretary of the Army as
3 clean, safe, and acceptable for reuse by the pub-
4 lic, after a risk assessment by the Secretary.

5 (B) Any building, facility, or equipment
6 that was not contaminated by chemical muni-
7 tions and that was without the potential to be
8 contaminated, such as office buildings, parts
9 warehouses, or utility infrastructure, which are
10 considered by the Secretary of the Army as
11 suitable for reuse by the public.

12 (3) EXCEPTION.—The prohibition imposed by
13 paragraph (1) shall not apply to any building, facil-
14 ity, or equipment otherwise described in paragraph
15 (2) for which the Local Redevelopment Authority
16 provides to the Secretary of the Army a written de-
17 termination specifying that the building, facility, or
18 equipment is not needed for community adjustment
19 and economic diversification following the closure of
20 the Chemical Agent-Destruction Pilot Plant.

21 (4) DURATION.—The prohibition imposed by
22 paragraph (1) shall apply for a period of not less
23 than three years beginning on the date of the enact-
24 ment of this Act.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **Subtitle A—Military Construction**
5 **Program Changes**

6 **SEC. 2801. SPECIAL CONSTRUCTION AUTHORITY TO USE**
7 **OPERATION AND MAINTENANCE FUNDS TO**
8 **MEET CERTAIN UNITED STATES MILITARY-**
9 **RELATED CONSTRUCTION NEEDS IN FRIEND-**
10 **LY FOREIGN COUNTRIES.**

11 Section 2804 of title 10, United States Code, is
12 amended to read as follows:

13 **“§ 2804. Special construction authority for certain**
14 **military-related construction needs in**
15 **friendly foreign countries**

16 “(a) CONSTRUCTION AUTHORIZED.—The Secretary
17 concerned may carry out a construction project in a
18 friendly foreign country, and perform planning and design
19 to support such a project, that the Secretary determines
20 meets each of the following conditions:

21 “(1) The commander of the geographic combat-
22 ant command in which the construction project will
23 be carried out identified the construction project as
24 necessary to support vital United States military re-
25 quirements related to strategic laydown opportuni-

1 ties at an air port of debarkation, sea port of debar-
2 kation, or rail or other logistics support location.

3 “(2) The construction project will not be carried
4 out at a military installation that is considered a
5 main operating base.

6 “(3) The use of construction authority under
7 this section is not duplicative of other construction
8 authorities available to the Secretary concerned to
9 carry out the construction project.

10 “(4) The funds made available under the au-
11 thority of this section for the construction project—

12 “(A) will be sufficient to produce a com-
13 plete and usable facility or other improvement
14 or complete the repair of an existing facility or
15 improvement; to and

16 “(B) will not require additional funds from
17 other Department of Defense accounts.

18 “(5) The level of construction will be the min-
19 imum necessary to meet the vital military require-
20 ments identified under paragraph (1).

21 “(6) Deferral of the construction project pend-
22 ing inclusion of the project proposal in the next
23 budget submission is inconsistent with the vital mili-
24 tary requirements identified under paragraph (1)

1 and other national security or national interests of
2 the United States.

3 “(b) USE OF OPERATION AND MAINTENANCE
4 FUNDS.—The Secretary concerned may obligate from ap-
5 propriations available to the Secretary concerned for oper-
6 ation and maintenance amounts necessary to carry out a
7 covered construction project.

8 “(c) NOTIFICATION OF PROPOSED OBLIGATION OF
9 FUNDS.—

10 “(1) NOTIFICATION REQUIRED.—Before using
11 appropriated funds available for operation and main-
12 tenance to carry out a covered construction project
13 that has an estimated cost in excess of the amounts
14 authorized for unspecified minor military construc-
15 tion projects under section 2805(c) of this title, the
16 Secretary concerned shall submit to the specified
17 congressional committees the following notices:

18 “(A) A notice regarding the proposed initi-
19 ation of planning and design for the covered
20 construction project.

21 “(B) A notice regarding the proposed solici-
22 tation of a contract for the covered construc-
23 tion project.

1 “(2) NOTIFICATION ELEMENTS.—The notices
2 required by paragraph (1) with regard to a covered
3 construction project shall include the following:

4 “(A) A certification that the conditions
5 specified in subsection (a) are satisfied with re-
6 gard to the covered construction project.

7 “(B) A description of the purpose for
8 which appropriated funds available for oper-
9 ation and maintenance will be obligated.

10 “(C) All relevant documentation detailing
11 the covered construction project, including plan-
12 ning and design.

13 “(D) An estimate of the total amount to be
14 obligated for the covered construction project.

15 “(E) An explanation of the harm to na-
16 tional security or national interests that would
17 occur if the covered construction project was
18 deferred to permit inclusion in the next budget
19 submission.

20 “(3) NOTICE AND WAIT.—A covered construc-
21 tion project may be carried out only after the end
22 of the 30-day period beginning on the date the sec-
23 ond notice required by paragraph (1) is received by
24 the specified congressional committees, including
25 when a copy of the notification is provided in an

1 electronic medium pursuant to section 480 of this
2 title.

3 “(4) EFFECT OF FAILURE TO SUBMIT NOTIFI-
4 CATIONS.—If the notices required by paragraph (1)
5 with regard to a covered construction project are not
6 submitted to the specified congressional committees
7 by the required date, appropriated funds available
8 for operation and maintenance may not be obligated
9 or expended after that date under the authority of
10 this section to carry out covered construction
11 projects until the date on which all late notices are
12 finally submitted.

13 “(d) ANNUAL LIMITATIONS ON USE OF AUTHOR-
14 ITY.—

15 “(1) TOTAL COST LIMITATION.—For each fiscal
16 year, the total cost of the covered construction
17 projects carried out by each Secretary concerned
18 using, in whole or in part, appropriated funds avail-
19 able for operation and maintenance shall not exceed
20 \$50,000,000.

21 “(2) ADDITIONAL OBLIGATION AUTHORITY.—
22 Notwithstanding paragraph (1), the Secretary of De-
23 fense may authorize the obligation under this section
24 of not more than an additional \$10,000,000 of ap-
25 propriated funds available for operation and mainte-

1 nance for a fiscal year if the Secretary determines
2 that the additional funds are needed for costs associ-
3 ated with contract closeouts.

4 “(3) PROJECT LIMITATION.—The total amount
5 of operation and maintenance funds used for a sin-
6 gle covered construction project shall not exceed
7 \$10,000,000.

8 “(e) RELATION TO OTHER AUTHORITIES.—This sec-
9 tion, section 2805 of this title, and section 2808 of the
10 Military Construction Authorization Act for Fiscal Year
11 2004 (division B of Public Law 108–136; 117 Stat. 1723)
12 are the only authorities available to the Secretary con-
13 cerned to use appropriated funds available for operation
14 and maintenance to carry out construction projects.

15 “(f) DEFINITIONS.—In this section:

16 “(1) The term ‘covered construction project’
17 means a construction project meeting the conditions
18 specified in subsection (a) that the Secretary con-
19 cerned may carry out using appropriated funds
20 available for operation and maintenance under the
21 authority of this section.

22 “(2) The term ‘specified congressional commit-
23 tees’ means—

24 “(A) the Committee on Armed Services
25 and the Subcommittee on Defense and the Sub-

1 committee on Military Construction, Veterans
2 Affairs, and Related Agencies of the Committee
3 on Appropriations of the Senate; and

4 “(B) the Committee on Armed Services
5 and the Subcommittee on Defense and the Sub-
6 committee on Military Construction, Veterans
7 Affairs, and Related Agencies of the Committee
8 on Appropriations of the House of Representa-
9 tives.

10 “(g) DURATION.—The authority of the Secretary
11 concerned to commence a covered construction project
12 under the authority of this section shall expire on Sep-
13 tember 30, 2026.”.

14 **SEC. 2802. INCREASE IN MAXIMUM AMOUNT AUTHORIZED**
15 **FOR USE OF UNSPECIFIED MINOR MILITARY**
16 **CONSTRUCTION PROJECT AUTHORITY.**

17 Section 2805(a)(2) of title 10, United States Code,
18 is amended by striking “\$6,000,000” and inserting
19 “\$8,000,000”.

1 **SEC. 2803. INCREASED TRANSPARENCY AND PUBLIC AVAIL-**
2 **ABILITY OF INFORMATION REGARDING SO-**
3 **LICITATION AND AWARD OF SUBCONTRACTS**
4 **UNDER MILITARY CONSTRUCTION CON-**
5 **TRACTS.**

6 (a) AVAILABILITY OF CERTAIN INFORMATION RE-
7 LATING TO MILITARY CONSTRUCTION SUBCONTRACTS.—
8 Section 2851 of title 10, United States Code, is amend-
9 ed—

10 (1) by redesignating subsection (d) as sub-
11 section (f); and

12 (2) by inserting after subsection (c) the fol-
13 lowing new subsections:

14 “(d) INFORMATION AND NOTICE REQUIREMENTS
15 REGARDING SOLICITATION AND AWARD OF SUB-
16 CONTRACTS.—(1) The recipient of a contract for a con-
17 struction project described in subsection (c)(1) to be car-
18 ried out in a State shall make publicly available on a
19 website of the General Services Administration or the
20 Small Business Administration, as applicable, any solicita-
21 tion made by the contract recipient under the contract for
22 a subcontract with an estimated value of \$250,000 or
23 more.

24 “(2) The Secretary of Defense shall—

25 “(A) maintain on the Internet site required by
26 subsection (c)(1) information regarding the solicita-

1 tion date and award date (or anticipated date) for
2 each subcontract described in paragraph (1);

3 “(B) submit written notice of the award of the
4 original contract for a project described in sub-
5 section (c)(1) to be carried out in a State, and each
6 subcontract described in paragraph (1) under the
7 contract, to each State agency that enforces workers’
8 compensation or minimum wage laws in the State in
9 which the contract or subcontract will be carried
10 out; and

11 “(C) in the case of the award of a contract for
12 a project described in subsection (c)(1) to be carried
13 out in a State, and any subcontract described in
14 paragraph (1) under the contract, with an estimated
15 value of \$2,000,000 or more, submit written notice
16 of the award of the contract or subcontract within
17 30 days after the award to each Senator of the State
18 in which the contract or subcontract will be carried
19 out and the Member of the House of Representatives
20 representing the congressional district in which the
21 contract or subcontract will be carried out.

22 “(3) In this subsection:

23 “(A) The term ‘Member of the House of Rep-
24 resentatives’ includes a Delegate to the House of

1 Representatives and the Resident Commissioner
2 from Puerto Rico.

3 “(B) The term ‘State’ means any of the several
4 States, the District of Columbia, the Commonwealth
5 of Puerto Rico, Guam, American Samoa, the United
6 States Virgin Islands, and the Commonwealth of the
7 Northern Mariana Islands.

8 “(e) EXCLUSION OF CLASSIFIED PROJECTS.—Sub-
9 sections (c) and (d) do not apply to a classified construc-
10 tion project otherwise described in subsection (c)(1).”.

11 (b) APPLICABILITY.—Subsection (d) of section 2851
12 of title 10, United States Code, as added by subsection
13 (a)(2), shall apply with respect to a contract for a con-
14 struction project described in subsection (c)(1) of such
15 section that—

16 (1) is entered into on or after the date of the
17 enactment of this Act; or

18 (2) was entered into before the date of the en-
19 actment of this Act, if the first solicitation made by
20 the contract recipient under the contract for a sub-
21 contract with an estimated value of \$250,000 or
22 more is made on or after the date of the enactment
23 of this Act.

1 **SEC. 2804. PUBLIC AVAILABILITY OF INFORMATION ON FA-**
2 **CILITIES SUSTAINMENT, RESTORATION, AND**
3 **MODERNIZATION PROJECTS AND ACTIVITIES.**

4 Section 2851(c)(1) of title 10, United States Code,
5 is amended—

6 (1) by redesignating subparagraph (E) as sub-
7 paragraph (F);

8 (2) by inserting after subparagraph (D) the fol-
9 lowing new subparagraph (E):

10 “(E) Each military department project or activ-
11 ity with a total cost in excess of \$15,000,000 for Fa-
12 cilities Sustainment, Restoration, and Moderniza-
13 tion.”; and

14 (3) in subparagraph (F), as so redesignated, by
15 inserting after “construction project” the following:
16 “, military department Facilities Sustainment, Res-
17 toration, and Modernization project or activity,”.

18 **SEC. 2805. LIMITATIONS ON AUTHORIZED COST AND SCOPE**
19 **OF WORK VARIATIONS.**

20 (a) PROCESS FOR APPROVING CERTAIN EXCEP-
21 TIONS; LIMITATIONS.—Subsections (c) and (d) of section
22 2853 of title 10, United States Code, are amended to read
23 as follows:

24 “(c) EXCEPTIONS TO LIMITATION ON COST VARI-
25 ATIONS AND SCOPE OF WORK REDUCTIONS.—(1)(A) Ex-
26 cept as provided in subparagraph (D), the Secretary con-

1 cerned may waive the percentage or dollar cost limitation
2 applicable to a military construction project or a military
3 family housing project under subsection (a) and approve
4 an increase in the cost authorized for the project in excess
5 of that limitation if the Secretary concerned notifies the
6 appropriate committees of Congress of the cost increase
7 in the manner provided in this paragraph.

8 “(B) The notification required by subparagraph (A)
9 shall—

10 “(i) identify the amount of the cost increase
11 and the reasons for the increase;

12 “(ii) certify that the cost increase is sufficient
13 to meet the mission requirement identified in the
14 justification data provided to Congress as part of the
15 request for authorization of the project; and

16 “(iii) describe the funds proposed to be used to
17 finance the cost increase.

18 “(C) A waiver and approval by the Secretary con-
19 cerned under subparagraph (A) shall take effect only after
20 the end of the 14-day period beginning on the date on
21 which the notification required by such subparagraph is
22 received by the appropriate committees of Congress in an
23 electronic medium pursuant to section 480 of this title.

24 “(D) The Secretary concerned may not use the au-
25 thority provided by subparagraph (A) to waive the cost

1 limitation applicable to a military construction project or
2 a military family housing project and approve an increase
3 in the cost authorized for the project that would increase
4 the project cost by more than 50 percent of the total au-
5 thorized cost of the project.

6 “(E) In addition to the notification required by this
7 paragraph, subsection (f) applies whenever a military con-
8 struction project or military family housing project with
9 a total authorized cost greater than \$40,000,000 will have
10 a cost increase of 25 percent or more. Subsection (f) may
11 not be construed to authorize a cost increase in excess of
12 the limitation imposed by subparagraph (D).

13 “(2)(A) The Secretary concerned may waive the per-
14 centage or dollar cost limitation applicable to a military
15 construction project or a military family housing project
16 under subsection (a) and approve a decrease in the cost
17 authorized for the project in excess of that limitation if
18 the Secretary concerned notifies the appropriate commit-
19 tees of Congress of the cost decrease not later than 14
20 days after the date funds are obligated in connection with
21 the project.

22 “(B) The notification required by subparagraph (A)
23 shall be provided in an electronic medium pursuant to sec-
24 tion 480 of this title.

1 “(3)(A) The Secretary concerned may waive the limi-
2 tation on a reduction in the scope of work applicable to
3 a military construction project or a military family hous-
4 ing project under subsection (b)(1) and approve a scope
5 of work reduction for the project in excess of that limita-
6 tion if the Secretary concerned notifies the appropriate
7 committees of Congress of the reduction in the manner
8 provided in this paragraph.

9 “(B) The notification required by subparagraph (A)
10 shall—

11 “(i) describe the reduction in the scope of work
12 and the reasons for the decrease; and

13 “(ii) certify that the mission requirement identi-
14 fied in the justification data provided to Congress
15 can still be met with the reduced scope.

16 “(C) A waiver and approval by the Secretary con-
17 cerned under subparagraph (A) shall take effect only after
18 the end of the 14-day period beginning on the date on
19 which the notification required by such subparagraph is
20 received by the appropriate committees of Congress in an
21 electronic medium pursuant to section 480 of this title.

22 “(d) EXCEPTIONS TO LIMITATION ON SCOPE OF
23 WORK INCREASES.—(1) Except as provided in paragraph
24 (4), the Secretary concerned may waive the limitation on
25 an increase in the scope of work applicable to a military

1 construction project or a military family housing project
2 under subsection (b)(1) and approve an increase in the
3 scope of work for the project in excess of that limitation
4 if the Secretary concerned notifies the appropriate com-
5 mittees of Congress of the reduction in the manner pro-
6 vided in this subsection.

7 “(2) The notification required by paragraph (1) shall
8 describe the increase in the scope of work and the reasons
9 for the increase.

10 “(3) A waiver and approval by the Secretary con-
11 cerned under paragraph (1) shall take effect only after
12 the end of the 14-day period beginning on the date on
13 which the notification required by such paragraph is re-
14 ceived by the appropriate committees of Congress in an
15 electronic medium pursuant to section 480 of this title.

16 “(4) The Secretary concerned may not use the au-
17 thority provided by paragraph (1) to waive the limitation
18 on an increase in the scope of work applicable to a military
19 construction project or a military family housing project
20 and approve an increase in the scope of work for the
21 project that would increase the scope of work by more
22 than 10 percent of the amount specified for the project
23 in the justification data provided to Congress as part of
24 the request for authorization of the project.”.

1 (b) CONFORMING AMENDMENT RELATED TO CALCULATING LIMITATION ON COST VARIATIONS.—Section
2 LATING LIMITATION ON COST VARIATIONS.—Section
3 2853(a) of title 10, United States Code, is amended by
4 striking “the amount appropriated for such project” and
5 inserting “the total authorized cost of the project”

6 (c) CLERICAL AMENDMENTS.—Section 2853 of title
7 10, United States Code, is further amended—

8 (1) in subsection (a), by inserting “COST VARIATIONS AUTHORIZED; LIMITATION.—” after the
9 ATIONS AUTHORIZED; LIMITATION.—” after the
10 enumerator “(a)”;

11 (2) in subsection (b), by inserting “SCOPE OF WORK VARIATIONS AUTHORIZED; LIMITATION.—”
12 WORK VARIATIONS AUTHORIZED; LIMITATION.—”
13 after the enumerator “(b)”;

14 (3) in subsection (e), by inserting “ADDITIONAL COST VARIATION EXCEPTIONS.—” after the enu-
15 COST VARIATION EXCEPTIONS.—” after the enu-
16 merator “(e)”;

17 (4) in subsection (f), by inserting “ADDITIONAL REPORTING REQUIREMENT FOR CERTAIN COST IN-
18 REPORTING REQUIREMENT FOR CERTAIN COST IN-
19 CREASES.—” after the enumerator “(f)”;

20 (5) in subsection (g), by inserting “RELATION TO OTHER LAW.—” after the enumerator “(g)”.

22 **SEC. 2806. USE OF QUALIFIED APPRENTICES BY MILITARY**
23 **CONSTRUCTION CONTRACTORS.**

24 (a) ESTABLISHMENT OF APPRENTICESHIP USE CER-
25 TIFICATION REQUIREMENT.—Subchapter III of chapter

1 169 of title 10, United States Code, is amended by adding
2 at the end the following new section:

3 **“§ 2870. Use of qualified apprentices by military con-**
4 **struction contractors**

5 “(a) CERTIFICATION REQUIRED.—The Secretary of
6 Defense shall require each offeror for a contract for a mili-
7 tary construction project to certify to the Secretary that,
8 if awarded such a contract, the offeror will—

9 “(1) establish a goal that not less than 20 per-
10 cent of the total workforce employed in the perform-
11 ance of such a contract are qualified apprentices;

12 “(2) ensure, to the greatest extent possible,
13 that each contractor and subcontractor on such a
14 contract has a plan to hire, retain, and increase par-
15 ticipation of African American and other nontradi-
16 tional apprentice populations in military construction
17 contracts; and

18 “(3) ensure that each contractor and subcon-
19 tractor that employs four or more workers in a par-
20 ticular classification to perform construction activi-
21 ties on such a contract shall employ one or more
22 qualified apprentices in the same classification for
23 the purpose of meeting the goal established pursuant
24 to paragraph (1).

25 “(b) INCENTIVES.—

1 “(1) INCENTIVES RELATED TO GOALS.—The
2 Secretary of Defense shall develop incentives for
3 offerors for a contract for military construction
4 projects to meet or exceed the goals described in
5 subsection (a).

6 “(2) INCENTIVES RELATED TO CONTRAC-
7 TORS.—To promote the use of qualified apprentices
8 by military construction contractors, Congress en-
9 courages the Department of Defense to contract
10 with women-owned, minority-owned, and small dis-
11 advantaged businesses.

12 “(c) CONSIDERATION OF USE OF QUALIFIED AP-
13 PRENTICES.—

14 “(1) REVISION REQUIRED.—Not later than one
15 year after the date of the enactment of this section,
16 the Secretary of Defense shall revise the Department
17 of Defense Supplement to the Federal Acquisition
18 Regulation to require that the system used by the
19 Federal Government to monitor or record contractor
20 past performance includes an analysis of whether the
21 contractor has made a good faith effort to meet or
22 exceed the goal described in subsection (a), including
23 consideration of the actual number of qualified ap-
24 prentices used by the contractor on a contract for a

1 military construction project, as part of the past
2 performance rating of such contractor.

3 “(2) IMPLEMENTATION.—Upon revision of the
4 Department of Defense Supplement to the Federal
5 Acquisition Regulation, contractors working on a
6 military construction project shall submit to the De-
7 partment of Defense such reports or information as
8 required by the Secretary, which may include total
9 labor hours to be performed on a contract for a mili-
10 tary construction project, the number of qualified
11 apprentices to be employed on a contract for a mili-
12 tary construction project, and demographic informa-
13 tion on nontraditional apprentice populations.

14 “(d) QUALIFIED APPRENTICE DEFINED.—In this
15 section, the term ‘qualified apprentice’ means an employee
16 participating in an apprenticeship program registered with
17 the Office of Apprenticeship of the Employment Training
18 Administration of the Department of Labor or a State ap-
19 prenticeship agency recognized by the Office of Appren-
20 ticeship pursuant to the Act of August 16, 1937 (popu-
21 larly known as the National Apprenticeship Act; 29 U.S.C.
22 50 et seq.).

23 “(e) APPRENTICE-TO-JOURNEYWORKER RATIO.—
24 Nothing in this section shall relieve a contractor or sub-
25 contractor on a military construction project of the obliga-

1 tion of the contractor or subcontractor to comply with all
2 applicable requirements for apprentice-to-journeyworker
3 ratios established by the Department of Labor or the
4 State Apprenticeship Agency, whichever applies in the
5 State in which the military construction project is carried
6 out.

7 “(f) APPLICABILITY.—Subsection (a) shall apply with
8 respect to each military construction project whose first
9 advertisement for bid occurs on or after the end of the
10 one-year period beginning on the date of the enactment
11 of this section.”.

12 (b) REPORTS TO CONGRESS.—Not later than three
13 months after the date of the enactment of this Act, nine
14 months after the date of the enactment of this Act, and
15 upon revision of the Department of Defense Supplement
16 to the Federal Acquisition Regulation required by sub-
17 section (c) of section 2870 of title 10, United States Code,
18 as added by subsection (a), the Secretary of Defense shall
19 submit to the Committees on Armed Services of the Sen-
20 ate and the House of Representatives a report providing
21 a status update on the implementation of the requirements
22 of such section. Each status update shall identify major
23 milestones in such implementation, challenges to such im-
24 plementation, and such other information as the Secretary
25 considers appropriate.

1 **SEC. 2807. MODIFICATION AND EXTENSION OF TEM-**
2 **PORARY, LIMITED AUTHORITY TO USE OPER-**
3 **ATION AND MAINTENANCE FUNDS FOR CON-**
4 **STRUCTION PROJECTS IN CERTAIN AREAS**
5 **OUTSIDE THE UNITED STATES.**

6 (a) TWO-YEAR EXTENSION OF AUTHORITY.—Sub-
7 section (h) of section 2808 of the Military Construction
8 Authorization Act for Fiscal Year 2004 (division B of
9 Public Law 108–136; 117 Stat. 1723), as most recently
10 amended by section 2806(a) of the Military Construction
11 Authorization Act for Fiscal Year 2021 (division B of
12 Public Law 116–283; 134 Stat. ____), is further amend-
13 ed—

14 (1) in paragraph (1), by striking “December
15 31, 2021” and inserting “December 31, 2023”; and

16 (2) paragraph (2), by striking “fiscal year
17 2022” and inserting “fiscal year 2024”.

18 (b) CONTINUATION OF LIMITATION ON USE OF AU-
19 THORITY.—Subsection (c)(1) of section 2808 of the Mili-
20 tary Construction Authorization Act for Fiscal Year 2004
21 (division B of Public Law 108–136; 117 Stat. 1723), as
22 most recently amended by subsections (b) and (c) of sec-
23 tion 2806 of the Military Construction Authorization Act
24 for Fiscal Year 2021 (division B of Public Law 116–283;
25 134 Stat. ____), is further amended—

26 (1) by striking subparagraphs (A) and (B);

1 (2) by redesignating subparagraph (C) as sub-
2 paragraph (A); and

3 (3) by adding at the end the following new sub-
4 paragraphs:

5 “(B) The period beginning October 1, 2021,
6 and ending on the earlier of December 31, 2022, or
7 the date of the enactment of an Act authorizing
8 funds for military activities of the Department of
9 Defense for fiscal year 2023.

10 “(C) The period beginning October 1, 2022,
11 and ending on the earlier of December 31, 2023, or
12 the date of the enactment of an Act authorizing
13 funds for military activities of the Department of
14 Defense for fiscal year 2024.”.

15 (c) ESTABLISHMENT OF PROJECT MONETARY LIM-
16 TATION.—Subsection (c) of section 2808 of the Military
17 Construction Authorization Act for Fiscal Year 2004 (di-
18 vision B of Public Law 108–136; 117 Stat. 1723) is
19 amended by adding at the end the following new para-
20 graph:

21 “(3) The total amount of operation and maintenance
22 funds used for a single construction project carried out
23 under the authority of this section shall not exceed
24 \$15,000,000.”.

1 (d) MODIFICATION OF NOTICE AND WAIT REQUIRE-
2 MENT.—Subsection (b) of section 2808 of the Military
3 Construction Authorization Act for Fiscal Year 2004 (di-
4 vision B of Public Law 108–136; 117 Stat. 1723) is
5 amended—

6 (1) by striking “10-day period” and inserting
7 “14-day period”; and

8 (2) by striking “or, if earlier, the end of the 7-
9 day period beginning on the date on which” and in-
10 sserting “, including when”.

11 **SEC. 2808. IMPROVED CONGRESSIONAL OVERSIGHT AND**
12 **PUBLIC TRANSPARENCY OF MILITARY CON-**
13 **STRUCTION CONTRACT AWARDS.**

14 (a) SUPERVISION OF MILITARY CONSTRUCTION
15 PROJECTS.—Section 2851 of title 10, United States Code,
16 as amended by section 2803, is further amended—

17 (1) in subsection (c)(1), by inserting “or appro-
18 priated” after “funds authorized” each place such
19 term appears;

20 (2) in subsection (c)(2)—

21 (A) by inserting “, deadline for bid submis-
22 sions,” after “solicitation date”;

23 (B) by inserting “(including the address of
24 such recipient)” after “contract recipient”; and

1 (C) by adding at the end the following new
2 subparagraphs:

3 “(H) Any subcontracting plan required under
4 paragraph (4) or (5) of section 8(d) of the Small
5 Business Act (15 U.S.C. 637(d)) for the project sub-
6 mitted by the contract recipient to the Secretary of
7 Defense.

8 “(I) A detailed written statement describing
9 and justifying any exception applied or waiver grant-
10 ed under—

11 “(i) chapter 83 of title 41;

12 “(ii) section 2533a of this title; or

13 “(iii) section 2533b of this title.”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(4) The information required to be published on the
17 Internet website under subsection (c) shall constitute a
18 record for the purposes of chapters 21, 29, 31, and 33
19 of title 44.”.

20 (b) FEDERAL PROCUREMENT DATA SYSTEM.—The
21 Secretary of Defense shall ensure that there is a clear and
22 unique indication of any covered contract with subcon-
23 tracting work of an estimated value of \$250,000 or more
24 in the Federal Procurement Data System established pur-

1 suant to section 1122(a)(4) of title 41, United States Code
2 (or any successor system).

3 (c) LOCAL HIRE REQUIREMENTS.—

4 (1) IN GENERAL.—To the extent practicable, in
5 awarding a covered contract, the Secretary of the
6 military department concerned shall give preference
7 to those firms and individuals who certify that at
8 least 51 percent of the total number of employees
9 hired to perform the contract (including any employ-
10 ees hired by a subcontractor at any tier) shall reside
11 in the same covered State as, or within a 60-mile ra-
12 dius of, the location of the work to be performed
13 pursuant to the contract.

14 (2) JUSTIFICATION REQUIRED.—The Secretary
15 of the military department concerned shall prepare
16 a written justification, and make such justification
17 available on the Internet site required under section
18 2851(c) of title 10, United States Code, as amended
19 by this section and section 2803, for the award of
20 any covered contract to a firm or individual that is
21 not described under paragraph (1).

22 (d) LICENSING.—A contractor and any subcontrac-
23 tors performing a covered contract shall be licensed to per-
24 form the work under such contract in the covered State
25 in which the work will be performed.

1 (e) SMALL BUSINESS CREDIT FOR LOCAL BUSI-
2 NESSES.—Section 15 of the Small Business Act (15
3 U.S.C. 644) is amended by adding at the end the following
4 new subsection—

5 “(y) SMALL BUSINESS CREDIT FOR LOCAL BUSI-
6 NESSES.—

7 “(1) CREDIT FOR MEETING SUBCONTRACTING
8 GOALS.—During the 4-year period beginning on the
9 date of the enactment of this subsection, if a prime
10 contractor awards a subcontract (at any tier) to a
11 small business concern that has its principal office
12 located in the same State as, or within a 60-mile ra-
13 dius of, the location of the work to be performed
14 pursuant to the contract of the prime contractor, the
15 value of the subcontract shall be doubled for pur-
16 poses of determining compliance with the goals for
17 procurement contracts under subsection (g)(1)(A)
18 during such period.

19 “(2) REPORT.—Along with the report required
20 under subsection (h)(1), the head of each Federal
21 agency shall submit to the Administrator, and make
22 publicly available on the scorecard described in sec-
23 tion 868(b) of the National Defense Authorization
24 Act for Fiscal Year 2016 (Public Law 114–92; 129
25 Stat. 933; 15 U.S.C. 644 note), an analysis of the

1 number and dollar amount of subcontracts awarded
2 pursuant to paragraph (1) for each fiscal year of the
3 period described in such paragraph.”.

4 (f) COVERED CONTRACT DEFINED.—In this section,
5 the term “covered contract” means a contract for a mili-
6 tary construction project, military family housing project,
7 or other project described in subsection (c)(1) of section
8 2851 of title 10, United States Code, as amended by this
9 section and section 2803.

10 **SEC. 2809. FLOOD RISK MANAGEMENT FOR MILITARY CON-**
11 **STRUCTION.**

12 (a) FURTHER MODIFICATION OF DEPARTMENT OF
13 DEFENSE FORM 1391.—Section 2805(a)(1) of the Mili-
14 tary Construction Authorization Act for Fiscal Year 2019
15 (division B of Public Law 115–232; 132 Stat. 2262; 10
16 U.S.C. 2802 note) is amended by striking “100-year flood-
17 plain” both places it appears and inserting “500-year
18 floodplain for mission critical facilities or a 100-year flood-
19 plain for non-mission critical facilities”.

20 (b) REPORTING REQUIREMENTS.—Section
21 2805(a)(3) of the Military Construction Authorization Act
22 for Fiscal Year 2019 (division B of Public Law 115–232;
23 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

24 (1) in subparagraph (A), by inserting before the
25 period at the end the following: “using hydrologic,

1 hydraulic, and hydrodynamic data, methods, and
2 analysis that integrate current and projected
3 changes in flooding based on climate science over the
4 anticipated service life of the facility and future fore-
5 casted land use changes”; and

6 (2) in subparagraph (D), by inserting after “fu-
7 ture” the following: “flood risk and”.

8 (c) MITIGATION PLAN ASSUMPTIONS.—Section
9 2805(a)(4) of the Military Construction Authorization Act
10 for Fiscal Year 2019 (division B of Public Law 115–232;
11 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

12 (1) in subparagraphs (A) and (B), by striking
13 “buildings” and inserting “facilities”; and

14 (2) in subparagraph (C), by inserting after “fu-
15 ture” the following: “flood risk and”.

16 (d) CONFORMING AMENDMENT OF UNIFIED FACILI-
17 TIES CRITERIA.—

18 (1) AMENDMENT REQUIRED.—Not later than
19 September 1, 2022, the Secretary of Defense shall
20 amend the Unified Facilities Criteria relating to
21 military construction planning and design to ensure
22 that building practices and standards of the Depart-
23 ment of Defense incorporate the minimum flood
24 mitigation requirements of section 2805(a) of the
25 Military Construction Authorization Act for Fiscal

1 Year 2019 (division B of Public Law 115–232; 132
2 Stat. 2262; 10 U.S.C. 2802 note), as amended by
3 this section.

4 (2) CONDITIONAL AVAILABILITY OF FUNDS.—

5 Not more than 25 percent of the funds authorized
6 to be appropriated for fiscal year 2022 for Depart-
7 ment of Defense planning and design accounts relat-
8 ing to military construction projects may be obli-
9 gated until the date on which the Secretary of De-
10 fense submits to the Committees on Armed Services
11 of the House of Representatives and the Senate a
12 certification that the Secretary—

13 (A) has initiated the amendment process
14 required by paragraph (1); and

15 (B) intends to complete such process by
16 September 1, 2022.

17 (3) IMPLEMENTATION OF UNIFIED FACILITIES
18 CRITERIA AMENDMENTS.—

19 (A) IMPLEMENTATION.—Any Department
20 of Defense Form 1391 submitted to Congress
21 after September 1, 2022, shall comply with the
22 Unified Facilities Criteria, as amended pursu-
23 ant to paragraph (1).

24 (B) CERTIFICATION.—Not later than
25 March 1, 2023, the Secretary of Defense shall

1 certify to the Committees on Armed Services of
2 the House of Representatives and the Senate
3 the completion of the amendment process re-
4 quired by paragraph (1) and the full incorpora-
5 tion of the amendments into military construc-
6 tion planning and design.

7 **SEC. 2809A. DEPARTMENT OF DEFENSE STORMWATER MAN-**
8 **AGEMENT PROJECTS FOR MILITARY INSTAL-**
9 **LATIONS AND DEFENSE ACCESS ROADS.**

10 Chapter 169 of title 10, United States Code, is
11 amended by inserting after section 2815 the following new
12 section:

13 **“§ 2815a. Stormwater management projects for instal-**
14 **lation and defense access road resilience**
15 **and waterway and ecosystems conserva-**
16 **tion**

17 “(a) PROJECTS AUTHORIZED.—The Secretary con-
18 cerned may carry out a stormwater management project
19 on or related to a military installation for the purpose of—

20 “(1) improving military installation resilience or
21 the resilience of a defense access road or other es-
22 sential civilian infrastructure supporting the military
23 installation; and

24 “(2) protecting nearby waterways and
25 stormwater-stressed ecosystems.

1 “(b) PROJECT METHODS AND FUNDING SOURCES.—
2 Using such amounts as may be provided in advance in
3 appropriation Acts, the Secretary concerned may carry out
4 a stormwater management project under this section as,
5 or as part of, any of the following:

6 “(1) An authorized military construction
7 project.

8 “(2) An unspecified minor military construction
9 project under section 2805 of this title, including
10 using appropriations available for operation and
11 maintenance subject to the limitation in subsection
12 (c) of such section.

13 “(3) A military installation resilience project
14 under section 2815 of this title, including the use of
15 appropriations available for operations and mainte-
16 nance subject to the limitation of subsection (e)(3)
17 of such section.

18 “(4) A defense community infrastructure resil-
19 ience project under section 2391(d) of this title.

20 “(5) A construction project under section 2914
21 of this title.

22 “(6) A reserve component facility project under
23 section 18233 of this title.

24 “(7) A defense access road project under sec-
25 tion 210 of title 23.

1 “(c) PROJECT PRIORITIES.—In selecting stormwater
2 management projects to be carried out under this section,
3 the Secretary concerned shall give a priority to project
4 proposals involving the retrofitting of buildings and
5 grounds on a military installation or retrofitting a defense
6 access road to reduce stormwater runoff.

7 “(d) PROJECT ACTIVITIES.—Activities carried out as
8 part of a stormwater management project under this sec-
9 tion may include, but are not limited to, the following:

10 “(1) The installation, expansion, or refurbish-
11 ment of stormwater ponds and other water-slowng
12 and retention measures.

13 “(2) The installation of permeable pavement in
14 lieu of, or to replace existing, nonpermeable pave-
15 ment.

16 “(3) The use of planters, tree boxes, cisterns,
17 and rain gardens to reduce stormwater runoff.

18 “(e) PROJECT COORDINATION.—In the case of a
19 stormwater management project carried out under this
20 section on or related to a military installation and any
21 project related to the same installation carried out under
22 section 2391(d), 2815, or 2914 of this title, the Secretary
23 concerned shall ensure coordination between the projects
24 regarding the water access, management, conservation, se-
25 curity, and resilience aspects of the projects.

1 “(f) ANNUAL REPORT.—(1) Not later than 90 days
2 after the end of each fiscal year, each Secretary concerned
3 shall submit to the congressional defense committees a re-
4 port describing—

5 “(A) the status of planned and active
6 stormwater management projects carried out by that
7 Secretary under this section; and

8 “(B) all projects completed by the Secretary
9 concerned during the previous fiscal year.

10 “(2) Each report shall include the following informa-
11 tion with respect to each stormwater management project
12 described in the report:

13 “(A) The title, location, a brief description of
14 the scope of work, the original project cost estimate,
15 and the current working cost estimate.

16 “(B) The rationale for how the project will—

17 “(i) improve military installation resilience
18 or the resilience of a defense access road or
19 other essential civilian infrastructure supporting
20 a military installation; and

21 “(ii) protect waterways and stormwater-
22 stressed ecosystems.

23 “(C) Such other information as the Secretary
24 concerned considers appropriate.

25 “(g) DEFINITIONS.—In this section:

1 “(1) The term ‘defense access road’ means a
2 road certified to the Secretary of Transportation as
3 important to the national defense under the provi-
4 sions of section 210 of title 23.

5 “(2) The terms ‘facility’ and ‘State’ have the
6 meanings given those terms in section 18232 of this
7 title.

8 “(3) The term ‘military installation’ includes a
9 facility of a reserve component owned by a State
10 rather than the United States.

11 “(4) The term ‘military installation resilience’
12 has the meaning given that term in section
13 101(e)(8) of this title.

14 “(5) The term ‘Secretary concerned’ means—

15 “(A) the Secretary of a military depart-
16 ment with respect to military installations
17 under the jurisdiction of that Secretary; and

18 “(B) the Secretary of Defense with respect
19 to matters concerning the Defense Agencies and
20 facilities of a reserve component owned by a
21 State rather than the United States.”.

1 **Subtitle B—Continuation of**
2 **Military Housing Reforms**

3 **SEC. 2811. APPLICABILITY OF WINDOW FALL PREVENTION**
4 **REQUIREMENTS TO ALL MILITARY FAMILY**
5 **HOUSING WHETHER PRIVATIZED OR GOV-**
6 **ERNMENT-OWNED AND GOVERNMENT-CON-**
7 **TROLLED.**

8 (a) TRANSFER OF WINDOW FALL PREVENTION SEC-
9 TION TO MILITARY FAMILY HOUSING ADMINISTRATION
10 SUBCHAPTER.—Section 2879 of title 10, United States
11 Code—

12 (1) is transferred to appear after section 2856
13 of such title; and

14 (2) is redesignated as section 2857.

15 (b) APPLICABILITY OF SECTION TO ALL MILITARY
16 FAMILY HOUSING.—Section 2857 of title 10, United
17 States Code, as transferred and redesignated by sub-
18 section (a), is amended—

19 (1) in subsection (a)(1), by striking “acquired
20 or constructed under this chapter”;

21 (2) in subsection (b)(1), by striking “acquired
22 or constructed under this chapter”; and

23 (3) by adding at the end the following new sub-
24 section:

1 “(e) APPLICABILITY TO ALL MILITARY FAMILY
2 HOUSING.—This section applies to military family housing
3 under the jurisdiction of the Department of Defense and
4 military family housing acquired or constructed under
5 subchapter IV of this chapter.”.

6 (c) IMPLEMENTATION PLAN.—In the report required
7 to be submitted in 2022 pursuant to subsection (d) of sec-
8 tion 2857 of title 10, United States Code, as transferred
9 and redesignated by subsection (a) and amended by sub-
10 section (b), the Secretary of Defense shall include a plan
11 for implementation of the fall protection devices described
12 in subsection (a)(3) of such section as required by such
13 section.

14 (d) LIMITATION ON USE OF FUNDS PENDING SUB-
15 MISSION OF OVERDUE REPORT.—Of the funds authorized
16 to be appropriated by this Act or otherwise made available
17 for fiscal year 2022 for the Office of the Assistant Sec-
18 retary of Defense for Installations and Sustainment, not
19 more than 50 percent may be obligated or expended until
20 the date on which the Secretary of Defense certifies to
21 the congressional defense committees that—

22 (1) the independent assessment required by sec-
23 tion 2817(b) of the Military Construction Authoriza-
24 tion Act of 2018 (division B of Public Law 115–91;
25 131 Stat. 1852) has been initiated; and

1 (2) the Secretary expects the report containing
2 the results of the assessment to be submitted to the
3 congressional defense committees by September 1,
4 2022.

5 **SEC. 2812. MODIFICATION OF MILITARY HOUSING TO AC-**
6 **COMMODATE TENANTS WITH DISABILITIES.**

7 Section 2891a(d)(11) of title 10, United States Code,
8 is amended—

9 (1) by inserting “(A)” after “(11)”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(B) Once a landlord is informed of the disability of
13 a tenant who has a disability (as such term is defined in
14 section 3 of the Americans with Disabilities Act of 1990
15 (42 U.S.C. 12102)) and who occupies or will occupy a
16 housing unit provided by the landlord, the landlord is re-
17 sponsible for modifying the housing unit as necessary to
18 comply with standards under such Act (42 U.S.C. 12101
19 et seq.) to facilitate occupancy of the housing unit by the
20 tenant.”.

21 **SEC. 2813. REQUIRED INVESTMENTS IN IMPROVING MILI-**
22 **TARY UNACCOMPANIED HOUSING.**

23 (a) INVESTMENTS IN MILITARY UNACCOMPANIED
24 HOUSING.—

1 (1) INVESTMENTS REQUIRED.—Of the total
2 amount authorized to be appropriated by the Na-
3 tional Defense Authorization Act for a covered fiscal
4 year for Facilities Sustainment, Restoration, and
5 Modernization activities of a military department,
6 the Secretary of that military department shall re-
7 serve an amount equal to five percent of the esti-
8 mated replacement cost of the inventory of unim-
9 proved military unaccompanied housing under the
10 jurisdiction of that Secretary for the purpose of car-
11 rying out projects for the improvement of military
12 unaccompanied housing.

13 (2) DEFINITIONS.—In this subsection:

14 (A) The term “military unaccompanied
15 housing” means military housing intended to be
16 occupied by members of the Armed Forces serv-
17 ing a tour of duty unaccompanied by depend-
18 ents.

19 (B) The term “replacement cost”, with re-
20 spect to military unaccompanied housing,
21 means the amount that would be required to re-
22 place the remaining service potential of that
23 military unaccompanied housing.

1 (3) DURATION OF INVESTMENT REQUIRE-
2 MENT.—Paragraph (1) shall apply for fiscal years
3 2022 through 2026.

4 (b) COMPTROLLER GENERAL ASSESSMENT.—

5 (1) ASSESSMENT REQUIRED.—The Comptroller
6 General of the United States shall conduct an inde-
7 pendent assessment of the condition of unaccom-
8 panied military housing under the jurisdiction of the
9 Secretaries of the military departments. As elements
10 of the assessment, the Comptroller General shall
11 analyze—

12 (A) how the prioritization of Facilities
13 Sustainment, Restoration, and Modernization
14 outlays has impacted department infrastructure
15 identified as quality-of-life infrastructure;

16 (B) how that prioritization interacts with
17 the regular budget process for military con-
18 struction projects; and

19 (C) the extent to which Facilities
20 Sustainment, Restoration, and Modernization
21 funds are being used to improve quality-of-life
22 infrastructure.

23 (2) BRIEFING.—Not later than February 2,
24 2022, the Comptroller General shall provide to the
25 Committees on Armed Services of the Senate and

1 the House of Representatives a briefing on the as-
2 sessment conducted pursuant to paragraph (1).

3 (3) REPORT.—No later than December 31,
4 2022, the Comptroller General shall submit to the
5 Committees on Armed Services of the Senate and
6 the House of Representatives a report containing the
7 results of the assessment conducted pursuant to
8 paragraph (1).

9 **SEC. 2814. IMPROVEMENT OF DEPARTMENT OF DEFENSE**
10 **CHILD DEVELOPMENT CENTERS AND IN-**
11 **CREASED AVAILABILITY OF CHILD CARE FOR**
12 **CHILDREN OF MILITARY PERSONNEL.**

13 (a) SAFETY INSPECTION OF CHILD DEVELOPMENT
14 CENTERS.—

15 (1) SAFETY INSPECTION REQUIRED.—Not later
16 than one year after the date of the enactment of this
17 Act, each Secretary of a military department shall
18 complete an inspection of all facilities under the ju-
19 risdiction of that Secretary used as a child develop-
20 ment center to identify any unresolved safety issues,
21 including lead, asbestos, and mold, that adversely
22 impact the facilities.

23 (2) REPORTING REQUIREMENT.—

24 (A) REPORT REQUIRED.—Not later than
25 90 days after completing the safety inspections

1 required by paragraph (1), the Secretary of the
2 military department concerned shall submit to
3 the Committees on Armed Services of the Sen-
4 ate and the House of Representatives a report
5 containing the results of the safety inspections.

6 (B) REPORT ELEMENTS.—The Secretary
7 of a military department shall include in the re-
8 port prepared by that Secretary the following:

9 (i) The identity and location of each
10 child development center at which unre-
11 solved safety issues, including lead, asbes-
12 tos, and mold, were found.

13 (ii) For each identified child develop-
14 ment center—

15 (I) a description of the safety
16 issues found; and

17 (II) the proposed plan and sched-
18 ule and projected cost to remediate
19 the safety issues found.

20 (b) TEN-YEAR FACILITY IMPROVEMENT PLAN FOR
21 CHILD DEVELOPMENT CENTERS.—

22 (1) FACILITY IMPROVEMENT PLAN RE-
23 QUIRED.—Each Secretary of a military department
24 shall establish a plan to renovate facilities under the
25 jurisdiction of that Secretary used as a child devel-

1 opment center so that, no later December 31,
2 2031—

3 (A) no child development center is identi-
4 fied as being in poor or failing condition accord-
5 ing to the facility condition index of that mili-
6 tary department; and

7 (B) all facility projects involving a child
8 development center that were included on the
9 priority lists within Appendix C of the “Depart-
10 ment of Defense Report to the Congressional
11 Defense Committees On Department of Defense
12 Child Development Programs” published in
13 2020 are completed.

14 (2) REPORT ON FACILITIES IMPROVEMENT
15 PLAN.—Not later than 180 days after the date of
16 the enactment of this Act, the Secretary of the mili-
17 tary department concerned shall submit to the Com-
18 mittees on Armed Services of the Senate and the
19 House of Representatives a report describing the fa-
20 cilities improvement plan established by that Sec-
21 retary pursuant to paragraph (1). The report shall
22 include the following:

23 (A) Details regarding the child develop-
24 ment center facility improvement plan.

1 (B) An estimate of the funding required to
2 complete the facility improvement plan before
3 the deadline specified in paragraph (1).

4 (C) The plan of the Secretary to obtain the
5 funding necessary to complete the facility im-
6 provement plan.

7 (D) Any additional statutory authorities
8 that the Secretary needs to complete the facility
9 improvement plan before the deadline specified
10 in paragraph (1).

11 (E) A plan to execute preventive mainte-
12 nance on other child development center facili-
13 ties to prevent more from degrading to poor or
14 failing condition.

15 (3) STATUS REPORTS.—Not later than 18
16 months after the date of the enactment of this Act,
17 and every 12 months thereafter until the date speci-
18 fied in paragraph (1), the Secretary of the military
19 department concerned shall submit to the Commit-
20 tees on Armed Services of the Senate and the House
21 of Representatives a status report on the progress
22 made by that Secretary toward accomplishing the fa-
23 cility improvement plan established by that Sec-
24 retary pursuant to paragraph (1). Such a report
25 shall include the following:

1 (A) Details about projects planned, funded,
2 under construction, and completed under the
3 facility improvement plan.

4 (B) Updated funding requirements to com-
5 plete all child development center facility con-
6 struction under the facility improvement plan.

7 (C) Any changes to the plan of the Sec-
8 retary to obtain the funding necessary to com-
9 plete the facility improvement plan.

10 (D) Any additional statutory authorities
11 that the Secretary needs to complete the facility
12 improvement plan before the deadline specified
13 in paragraph (1).

14 (e) PUBLIC-PRIVATE PARTNERSHIPS FOR CHILD
15 CARE FOR CHILDREN OF MILITARY PERSONNEL.—

16 (1) IN GENERAL.—Not later than one year
17 after the date of the enactment of this Act and pur-
18 suant to regulations prescribed by the Secretary of
19 Defense, each Secretary of a military department
20 shall seek to enter into at least one agreement with
21 a private entity to provide child care to the children
22 of personnel (including members of the Armed
23 Forces and civilian employees of the Department of
24 Defense) under the jurisdiction of that Secretary.

25 (2) REPORTING.—

1 (A) PRELIMINARY REPORTS.—Not later
2 than one year after the date of the enactment
3 of this Act, the Secretary of Defense and the
4 Secretaries of the military departments shall
5 jointly submit to the Committees on Armed
6 Services of the Senate and House of Represent-
7 atives a report regarding progress in carrying
8 out paragraph (1).

9 (B) REGULAR REPORTS.—Upon entering
10 into an agreement under paragraph (1) and an-
11 nually thereafter until the termination of such
12 agreement, the Secretary of the military depart-
13 ment concerned shall submit to the Committees
14 on Armed Services of the Senate and House of
15 Representatives a report regarding such agree-
16 ment. Such a report shall include—

17 (i) the terms of the agreement, includ-
18 ing cost to the United States;

19 (ii) the number of children described
20 in paragraph (1) projected to receive child
21 care under such agreement; and

22 (iii) if applicable, the actual number
23 of children described in paragraph (1) who
24 received child care under such agreement
25 served during the previous year.

1 (d) CHILD DEVELOPMENT CENTER DEFINED.—In
2 this section, the term “child development center” has the
3 meaning given that term in section 2871(2) of title 10,
4 United States Code, and includes facilities identified as
5 a child care center or day care center.

6 **Subtitle C—Real Property and**
7 **Facilities Administration**

8 **SEC. 2821. SECRETARY OF THE NAVY AUTHORITY TO SUP-**
9 **PORT DEVELOPMENT AND OPERATION OF**
10 **NATIONAL MUSEUM OF THE UNITED STATES**
11 **NAVY.**

12 Chapter 861 of title 10, United States Code, is
13 amended by inserting after section 8616 the following new
14 section:

15 **“§ 8617. National Museum of the United States Navy**

16 “(a) AUTHORITY TO SUPPORT DEVELOPMENT AND
17 OPERATION OF MUSEUM.—(1) The Secretary of the Navy
18 may select and enter into a contract, cooperative agree-
19 ment, or other agreement with one or more eligible non-
20 profit organizations to support the development, design,
21 construction, renovation, or operation of a multipurpose
22 museum to serve as the National Museum of the United
23 States Navy.

24 “(2) The Secretary may—

1 “(A) authorize a partner organization to con-
2 tract for each phase of development, design, con-
3 struction, renovation, or operation of the museum,
4 or all such phases; or

5 “(B) authorize acceptance of funds from a part-
6 ner organization for each or all such phases.

7 “(b) PURPOSES OF MUSEUM.—(1) The museum shall
8 be used for the identification, curation, storage, and public
9 viewing of artifacts and artwork of significance to the
10 Navy, as agreed to by the Secretary of the Navy.

11 “(2) The museum also may be used to support such
12 education, training, research, and associated activities as
13 the Secretary considers compatible with and in support of
14 the museum and the mission of the Naval History and
15 Heritage Command.

16 “(c) ACCEPTANCE UPON COMPLETION.—Upon the
17 satisfactory completion, as determined by the Secretary of
18 the Navy, of any phase of the museum, and upon the satis-
19 faction of any financial obligations incident thereto, the
20 Secretary shall accept such phase of the museum from the
21 partner organization, and all right, title, and interest in
22 and to such phase of the museum shall vest in the United
23 States. Upon becoming the property of the United States,
24 the Secretary shall assume administrative jurisdiction over
25 such phase of the museum.

1 “(d) LEASE AUTHORITY.—(1) The Secretary of the
2 Navy may lease portions of the museum to an eligible non-
3 profit organization for use in generating revenue for the
4 support of activities of the museum and for such adminis-
5 trative purposes as may be necessary for support of the
6 museum. Such a lease may not include any part of the
7 collection of the museum.

8 “(2) Any rent received by the Secretary under a lease
9 under paragraph (1), including rent-in-kind, shall be used
10 solely to cover or defray the costs of development, mainte-
11 nance, or operation of the museum.

12 “(e) AUTHORITY TO ACCEPT GIFTS.—(1) The Sec-
13 retary of the Navy may accept, hold, administer, and
14 spend any gift, devise, or bequest of real property, per-
15 sonal property, or money made on the condition that the
16 gift, devise, or bequest be used for the benefit, or in con-
17 nection with, the establishment, operation, or mainte-
18 nance, of the museum. Section 2601 (other than sub-
19 sections (b), (c), and (e)) of this title shall apply to gifts
20 accepted under this subsection.

21 “(2) The Secretary may display at the museum rec-
22 ognition for an individual or organization that contributes
23 money to a partner organization, or an individual or orga-
24 nization that contributes a gift directly to the Navy, for
25 the benefit of the museum, whether or not the contribution

1 is subject to the condition that the recognition be provided.
2 The Secretary shall prescribe regulations governing the
3 circumstances under which contributor recognition may be
4 provided, appropriate forms of recognition, and suitable
5 display standards.

6 “(3) The Secretary may authorize the sale of donated
7 property received under paragraph (1). A sale under this
8 paragraph need not be conducted in accordance with dis-
9 posal requirements that would otherwise apply, so long as
10 the sale is conducted at arms-length and includes an
11 auditable transaction record.

12 “(4) Any money received under paragraph (1) and
13 any proceeds from the sale of property under paragraph
14 (3) shall be deposited into a fund established in the Treas-
15 ury to support the museum.

16 “(f) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary of the Navy may require such additional terms
18 and conditions in connection with a contract, cooperative
19 agreement, or other agreement under subsection (a) or a
20 lease under subsection (d) as the Secretary considers ap-
21 propriate to protect the interests of the United States.

22 “(g) USE OF NAVY INDICATORS.—(1) In a contract,
23 cooperative agreement, or other agreement under sub-
24 section (a) or a lease under subsection (d), the Secretary
25 of the Navy may authorize, consistent with section 2260

1 (other than subsection (d)) of this title, a partner organi-
2 zation to enter into licensing, marketing, and sponsorship
3 agreements relating to Navy indicators, including the
4 manufacture and sale of merchandise for sale by the mu-
5 seum, subject to the approval of the Department of the
6 Navy.

7 “(2) No such licensing, marketing, or sponsorship
8 agreement may be entered into if it would reflect unfavor-
9 ably on the ability of the Department of the Navy, any
10 of its employees, or any member of the armed forces to
11 carry out any responsibility or duty in a fair and objective
12 manner, or if the Secretary determines that the use of the
13 Navy indicator would compromise the integrity or appear-
14 ance of integrity of any program of the Department of
15 the Navy.

16 “(h) DEFINITIONS.—In this section:

17 “(1) The term ‘eligible nonprofit organization’
18 means an entity that—

19 “(A) qualifies as an exempt organization
20 under section 501(c)(3) of the Internal Revenue
21 Code of 1986; and

22 “(B) has as its primary purpose the pres-
23 ervation and promotion of the history and herit-
24 age of the Navy.

1 “(2) The term ‘museum’ means the National
2 Museum of the United States Navy, including its fa-
3 cilities and grounds.

4 “(3) The term ‘Navy indicators’ includes trade-
5 marks and service marks, names, identities, abbrevi-
6 ations, official insignia, seals, emblems, and acro-
7 nyms of the Navy and Marine Corps, including un-
8 derlying units, and specifically includes the term
9 ‘National Museum of the United States Navy’.

10 “(4) The term ‘partner organization’ means an
11 eligible nonprofit organization with whom the Sec-
12 retary of the Navy enters into a contract, coopera-
13 tive agreement, or other agreement under subsection
14 (a) or a lease under subsection (d).”.

15 **SEC. 2822. EXPANSION OF SECRETARY OF THE NAVY AU-**
16 **THORITY TO LEASE AND LICENSE UNITED**
17 **STATES NAVY MUSEUM FACILITIES TO GEN-**
18 **ERATE REVENUE TO SUPPORT MUSEUM AD-**
19 **MINISTRATION AND OPERATIONS.**

20 (a) INCLUSION OF ADDITIONAL UNITED STATES
21 NAVY MUSEUMS.—Section 2852 of the Military Construc-
22 tion Authorization Act for Fiscal Year 2006 (division B
23 of Public Law 109–163; 119 Stat. 3530) is amended—
24 (1) in subsection (a)—

1 (A) by striking the text preceding para-
2 graph (1) and inserting “The Secretary of the
3 Navy may lease or license any portion of the fa-
4 cilities of a United States Navy museum to a
5 foundation established to support that museum
6 for the purpose of permitting the foundation to
7 carry out the following activities:”; and

8 (B) in paragraphs (1) and (2), by striking
9 “the United States Navy Museum” and insert-
10 ing “that United States Navy museum”;

11 (2) in subsection (b), by striking “the United
12 States Navy Museum” and inserting “the United
13 States Navy museum of which the facility is a part”;

14 (3) in subsection (c), by striking “the Naval
15 Historical Foundation” and inserting “a foundation
16 described in subsection (a)”;

17 (4) in subsection (d)—

18 (A) by striking “the United States Navy
19 Museum” and inserting “the applicable United
20 States Navy museum”; and

21 (B) by striking “the Museum” and insert-
22 ing “that museum”.

23 (b) UNITED STATES NAVY MUSEUM DEFINED.—
24 Section 2852 of the Military Construction Authorization
25 Act for Fiscal Year 2006 (division B of Public Law 109–

1 163; 119 Stat. 3530) is amended by adding at the end
2 the following new subsection:

3 “(f) UNITED STATES NAVY MUSEUM.—In this sec-
4 tion, the term ‘United States Navy museum’ means a mu-
5 seum under the jurisdiction of the Secretary of Defense
6 and operated through the Naval History and Heritage
7 Command.”.

8 (e) CONFORMING CLERICAL AMENDMENT.—The
9 heading of section 2852 of the Military Construction Au-
10 thorization Act for Fiscal Year 2006 (division B of Public
11 Law 109–163; 119 Stat. 3530) is amended by striking
12 “AT WASHINGTON, NAVY YARD, DISTRICT OF CO-
13 LUMBIA”.

14 **SEC. 2823. DEPARTMENT OF DEFENSE MONITORING OF**
15 **REAL PROPERTY OWNERSHIP AND OCCU-**
16 **PANCY IN VICINITY OF MILITARY INSTALLA-**
17 **TIONS TO IDENTIFY FOREIGN ADVERSARY**
18 **OWNERSHIP OR OCCUPANCY.**

19 Section 2661 of title 10, United States Code, is
20 amended—

21 (1) by redesignating subsection (d) as sub-
22 section (e); and

23 (2) by inserting after subsection (e) the fol-
24 lowing new subsection (d):

1 “(d) IDENTIFICATION OF FOREIGN ADVERSARY
2 OWNERSHIP OR OCCUPANCY OF REAL PROPERTY IN VI-
3 CINITY OF MILITARY INSTALLATIONS.—(1) The Secretary
4 of Defense and each Secretary of a military department
5 shall monitor real property ownership and occupancy in
6 the vicinity of military installations under the jurisdiction
7 of the Secretary concerned inside and outside of the
8 United States to identify instances in which a foreign ad-
9 versary owns or occupies, or the Secretary concerned de-
10 termines a foreign adversary is seeking to own or occupy,
11 real property in the vicinity of a military installation.

12 “(2) Not later than March 1 each year, the Secretary
13 of Defense, in coordination with the Secretaries of the
14 military departments, shall submit to the Committees on
15 Armed Services of the Senate and the House of Represent-
16 atives a report containing the following:

17 “(A) A description of all real property in the vi-
18 cinity of military installations that the Secretary
19 concerned—

20 “(i) has identified under paragraph (1) as
21 owned or occupied by a foreign adversary; or

22 “(ii) has determined under paragraph (1)
23 that a foreign adversary is seeking to own or
24 occupy.

1 “(B) Changes in foreign adversary ownership or
2 occupancy of real property in the vicinity of military
3 installations since the previous report.

4 “(C) Recommendations regarding the appro-
5 priate response to such foreign adversary ownership
6 or occupancy of real property in the vicinity of mili-
7 tary installations.

8 “(3) A report under paragraph (2) shall be submitted
9 in unclassified form, but may contain a classified annex
10 as necessary.

11 “(4) In this section:

12 “(A) The term ‘foreign adversary’ has the
13 meaning given that term in section 8(c)(2) of the
14 Secure and Trusted Communications Networks Act
15 of 2019 (47 U.S.C. 1607(c)(2)). The term includes
16 agents of, and partnerships and corporations includ-
17 ing, a foreign adversary.

18 “(B) The term ‘military installation’ does not
19 include a contingency overseas military location de-
20 scribed in section 2687a(a)(3)(A)(iii) of this title.

21 “(C) The term ‘vicinity’, with respect to prox-
22 imity to a military installation, means—

23 “(i) real property adjacent to the boundary
24 of a military installation; and

1 “(ii) real property any part of which is lo-
2 cated within 10 miles of the boundary of a mili-
3 tary installation.”.

4 **SEC. 2824. INTERGOVERNMENTAL SUPPORT AGREEMENTS**
5 **FOR INSTALLATION-SUPPORT SERVICES.**

6 Section 2679(a)(3) of title 10, United States Code,
7 is amended by inserting before the period at the end the
8 following: “and the installation-support services to be pro-
9 vided are not included on the procurement list of section
10 8503 of title 41”.

11 **Subtitle D—Military Facilities**
12 **Master Plan Requirements**

13 **SEC. 2831. COOPERATION WITH STATE AND LOCAL GOV-**
14 **ERNMENTS IN DEVELOPMENT OF MASTER**
15 **PLANS FOR MAJOR MILITARY INSTALLA-**
16 **TIONS.**

17 Section 2864(a) of title 10, United States Code, is
18 amended by adding at the end the following new para-
19 graph:

20 “(3)(A) The commander of a major military installa-
21 tion shall develop and update the master plan for that
22 major military installation in consultation with representa-
23 tives of the government of the State in which the installa-
24 tion is located and representatives of local governments
25 in the vicinity of the installation to improve cooperation

1 and consistency between the Department of Defense and
2 such governments in addressing each component of the
3 master plan described in paragraph (1).

4 “(B) The consultation required by subparagraph (A)
5 is in addition to the consultation specifically required by
6 subsection (b)(1) in connection with the transportation
7 component of the master plan for a major military instal-
8 lation.”.

9 **SEC. 2832. ADDITIONAL CHANGES TO REQUIREMENTS RE-**
10 **GARDING MASTER PLANS FOR MAJOR MILI-**
11 **TARY INSTALLATIONS.**

12 (a) **MAXIMUM INTERVAL BETWEEN MASTER PLAN**
13 **DEVELOPMENT.**—Section 2864(a)(1) of title 10, United
14 States Code, is amended by striking “10 years” and in-
15 serting “five years”.

16 (b) **CONSIDERATION OF MILITARY INSTALLATION**
17 **RESILIENCE.**—Section 2864(a)(2)(E) of title 10, United
18 States Code, is amended by inserting before the period at
19 the end the following: “and military installation resil-
20 ience”.

21 (c) **COORDINATION RELATED TO MILITARY INSTAL-**
22 **LATION RESILIENCE COMPONENT.**—Section 2864(c)(6) of
23 title 10, United States Code, is amended by inserting after
24 “Agreements in effect or planned” the following: “and on-
25 going or planned coordination”.

1 (d) CROSS REFERENCE TO DEFINITION OF MILITARY
2 INSTALLATION RESILIENCE.—Section 2864(f) of title 10,
3 United States Code, is amended by adding at the end the
4 following new paragraph:

5 “(6) The term ‘military installation resilience’
6 has the meaning given that term in section 101(e)
7 of this title.”.

8 **SEC. 2833. PROMPT COMPLETION OF MILITARY INSTALLA-**
9 **TION RESILIENCE COMPONENT OF MASTER**
10 **PLANS FOR AT-RISK MAJOR MILITARY IN-**
11 **STALLATIONS.**

12 (a) IDENTIFICATION OF AT-RISK INSTALLATIONS.—
13 Not later than 30 days after the date of the enactment
14 of this Act, each Secretary of a military department
15 shall—

16 (1) identify at least two major military installa-
17 tions under the jurisdiction of that Secretary that
18 the Secretary considers most at risk from extreme
19 weather events; and

20 (2) notify the Committees on Armed Services of
21 the Senate and the House of Representatives of the
22 major military installations identified under para-
23 graph (1).

24 (b) COMPLETION DEADLINE.—Not later than one
25 year after the date of the enactment of this Act, each Sec-

1 retary of a military department shall ensure that the mili-
2 tary installation resilience component of the master plan
3 for each major military installation identified by the Sec-
4 retary under subsection (a) is completed.

5 (c) BRIEFINGS.—Not later than 60 days after com-
6 pletion of a master plan component as required by sub-
7 section (b) for a major military installation, the Secretary
8 of the military department concerned shall brief the Com-
9 mittees on Armed Services of the Senate and the House
10 of Representatives regarding the results of the master
11 plan efforts for that major military installation.

12 (d) DEFINITIONS.—In this section:

13 (1) The term “major military installation” has
14 the meaning given that term in section 2864(f) of
15 title 10, United States Code.

16 (2) The term “master plan” means the master
17 plan required by section 2864(a) of title 10, United
18 States Code, for a major military installation.

19 **SEC. 2834. CONGRESSIONAL OVERSIGHT OF MASTER PLANS**
20 **FOR ARMY AMMUNITION PLANTS GUIDING**
21 **FUTURE INFRASTRUCTURE, FACILITY, AND**
22 **PRODUCTION EQUIPMENT IMPROVEMENTS.**

23 (a) SUBMISSION OF MASTER PLAN.—Not later than
24 March 31, 2022, the Secretary of the Army shall submit
25 to the congressional defense committees the master plan

1 for each of the five Government-owned, contractor-oper-
2 ated Army ammunition plants developed to guide planning
3 and budgeting for future infrastructure construction, facil-
4 ity improvements, and production equipment needs at
5 each Army ammunition plant.

6 (b) ELEMENTS OF MASTER PLAN.—To satisfy the
7 requirements of subsection (a), a master plan submitted
8 under such subsection must include the following:

9 (1) A description of all infrastructure construc-
10 tion and facility improvements planned or being con-
11 sidered for an Army ammunition plant and produc-
12 tion equipment planned or being considered for in-
13 stallation, modernization, or replacement.

14 (2) A description of the funding sources for
15 such infrastructure construction, facility improve-
16 ments, and production equipment, including author-
17 ized military construction projects, appropriations
18 available for operation and maintenance, and appro-
19 priations available for procurement of Army ammu-
20 nition.

21 (3) An explanation of how the master plan for
22 an Army ammunition plant will promote efficient, ef-
23 fective, resilient, secure, and cost-effective produc-
24 tion of ammunition and ammunition components for
25 the Armed Forces.

1 (4) A description of how development of the
2 master plan for an Army ammunition plant included
3 input from the contractor operating the Army am-
4 munition plant and how implementation of that mas-
5 ter plan will be coordinated with the contractor.

6 (c) ANNUAL UPDATES.—Not later than March 31,
7 2023, and each March 31 thereafter through March 31,
8 2026, the Secretary of the Army shall submit to the con-
9 gressional defense committees a report containing the fol-
10 lowing:

11 (1) A description of any revisions made to the
12 master plans submitted under subsection (a) during
13 the previous year.

14 (2) A description of any revisions to be made or
15 being considered to the master plans.

16 (3) An explanation of the reasons for each revi-
17 sion, whether made, to be made, or being considered.

18 (4) A description of the progress made in im-
19 proving infrastructure, facility, and production
20 equipment at the Army ammunition plants con-
21 sistent with the master plans.

22 (d) DELEGATION AUTHORITY.—The Secretary of the
23 Army shall carry out this section acting through the As-
24 sistant Secretary of the Army for Acquisition, Logistics,
25 and Technology.

1 **Subtitle E—Matters Related to Uni-**
2 **fied Facilities Criteria and Mili-**
3 **tary Construction Planning and**
4 **Design**

5 **SEC. 2841. AMENDMENT OF UNIFIED FACILITIES CRITERIA**
6 **TO REQUIRE INCLUSION OF PRIVATE NURS-**
7 **ING AND LACTATION SPACE IN CERTAIN**
8 **MILITARY CONSTRUCTION PROJECTS.**

9 (a) AMENDMENT REQUIRED.—The Secretary of De-
10 fense shall amend UFC 1–4.2 (Nursing and Lactation
11 Rooms) of the Unified Facilities Criteria/DoD Building
12 Code (UFC 1–200–01) to require that military construc-
13 tion planning and design for buildings likely to be regu-
14 larly frequented by nursing mothers who are members of
15 the uniformed services, civilian employees of the Depart-
16 ment of Defense, contractor personnel, or visitors include
17 a private nursing and lactation room or other private
18 space suitable for that purpose.

19 (b) DEADLINE.—The Secretary of Defense shall com-
20 plete the amendment process required by subsection (a)
21 and implement the amended UFC 1–4.2 not later than
22 one year after the date of the enactment of this Act.

1 **SEC. 2842. ADDITIONAL DEPARTMENT OF DEFENSE ACTIVI-**
2 **TIES TO IMPROVE ENERGY RESILIENCY OF**
3 **MILITARY INSTALLATIONS.**

4 (a) AMENDMENT OF UNIFIED FACILITIES CRITERIA
5 REQUIRED.—The Secretary of Defense shall amend the
6 Unified Facilities Criteria/DoD Building Code (UFC 1–
7 200–01) to require that planning and design for military
8 construction projects inside the United States include con-
9 sideration of the feasibility and cost-effectiveness of in-
10 stalling an energy microgrid as part of the project, includ-
11 ing intentional islanding capability of at least seven con-
12 secutive days, for the purpose of—

13 (1) promoting on-installation energy security
14 and energy resilience; and

15 (2) facilitating implementation and greater use
16 of the authority provided by subsection (h) of section
17 2911 of title 10, United States Code, as added and
18 amended by section 2825 of the Military Construc-
19 tion Authorization Act for Fiscal Year 2021 (divi-
20 sion B of Public Law 116–283).

21 (b) CONTRACTS FOR EMERGENCY ACCESS TO EXIST-
22 ING ON-INSTALLATION RENEWABLE ENERGY SOURCES.—
23 In the case of a covered renewable energy generating
24 source located on a military installation pursuant to a
25 lease of non-excess defense property under section 2667
26 of title 10, United States Code, the Secretary of the mili-

1 tary department concerned is encouraged to negotiate with
2 the owner and operator of the renewable energy gener-
3 ating source to revise the lease contract to permit the mili-
4 tary installation to access the renewable energy generating
5 source during an emergency. The negotiations shall in-
6 clude consideration of the ease of modifying the renewable
7 energy generating source to include an islanding capa-
8 bility, the necessity of additional infrastructure to tie the
9 renewable energy generating source into the installation
10 energy grid, and the cost of such modifications and infra-
11 structure.

12 (c) DEFINITIONS.—In this section:

13 (1) The term “covered renewable energy gener-
14 ating source” means a renewable energy generating
15 source that, on the date of the enactment of this
16 Act—

17 (A) is located on a military installation in-
18 side the United States; but

19 (B) cannot be used as a direct source of
20 resilient energy for the installation in the event
21 of a power disruption.

22 (2) The term “islanding capability” refers to
23 the ability to remove an energy system, such as a
24 microgrid, from the local utility grid and to operate
25 the energy system, at least temporarily, as an inte-

1 grated, stand-alone system, during an emergency in-
2 volving the loss of external electric power supply.

3 (3) The term “microgrid” means an integrated
4 energy system consisting of interconnected loads and
5 energy resources with an islanding capability to per-
6 mit functioning separate from the local utility grid.

7 **SEC. 2843. CONSIDERATION OF ANTICIPATED INCREASED**
8 **SHARE OF ELECTRIC VEHICLES IN DEPART-**
9 **MENT OF DEFENSE VEHICLE FLEET AND**
10 **OWNED BY MEMBERS OF THE ARMED**
11 **FORCES AND DEPARTMENT EMPLOYEES.**

12 (a) AMENDMENT OF UNIFIED FACILITIES CRITERIA
13 REQUIRED.—The Secretary of Defense shall amend the
14 Unified Facilities Criteria/DoD Building Code (UFC 1–
15 200–01) to require that military construction planning
16 and design for buildings, including military housing, and
17 related parking structures and surface lots to be con-
18 structed for military installations inside the United States
19 include the installation of charging stations for electric ve-
20 hicles when inclusion of charging stations is feasible and
21 cost effective given the anticipated need for charging sta-
22 tions to service electric vehicles in the Department of De-
23 fense vehicle fleet and electric vehicles owned by members
24 of the Armed Forces and Department employees.

25 (b) IMPLEMENTATION.—

1 (1) SOURCE OF SERVICES.—Each Secretary of
2 a military department may utilize expertise within
3 the military department or contract with an outside
4 entity to make the determinations required by sub-
5 sections (c) through (f) related to the installation of
6 charging stations for electric vehicles.

7 (2) DETERMINATIONS.—Determinations re-
8 quired by subsections (c) through (f) shall be a data-
9 driven analysis for the purpose of enabling align-
10 ment between internal and external stakeholders and
11 addressing key questions regarding the installation
12 of charging stations, including the composition of
13 the electric vehicle fleet, ownership costs, and kilo-
14 watt hour load profiles for targeted locations. The
15 parties making these determinations shall make use
16 of modeling and multiple scenarios to optimize initial
17 investments and identify priority locations for invest-
18 ment.

19 (3) ELECTRIC VEHICLE EDUCATION-RELATED
20 USES.—In addition to the determinations required
21 by subsections (c) through (f), the Secretary of a
22 military department shall consider the potential ben-
23 efits in terms of cost and emissions savings of in-
24 creasing the use of electric vehicles to transport de-
25 pendents of members of the Armed Forces and De-

1 partment of Defense employees to facilities of the
2 Defense Department education activity and the re-
3 sulting need for additional charging stations.

4 (c) CONSIDERATIONS RELATED TO CHARGING STA-
5 TION LOCATION.—A determination of whether inclusion of
6 charging stations is feasible and cost effective as part of
7 a military construction project shall include consideration
8 of the following:

9 (1) Calculation of detailed energy profiles of ex-
10 isting loads at locations to include the impacts of
11 managed and non-managed charging options.

12 (2) Local electric vehicle charging profiles, vehi-
13 cle traffic patterns and flow to readily access charg-
14 ing stations, signage needs, proximity to anticipated
15 users of charging stations, and existing building load
16 profiles.

17 (3) Availability of adequate space for vehicles
18 awaiting charging during peak usage times.

19 (4) Required infrastructure upgrades, including
20 electrical wiring.

21 (5) Safety protocols.

22 (d) CONSIDERATIONS RELATED TO TYPE AND NUM-
23 BER OF CHARGING STATIONS.—A determination of the
24 type and number of charging stations to include as part

1 of a military construction project shall include consider-
2 ation of the following:

3 (1) The different capabilities and energy de-
4 mands between level 1 charging, level 2 charging,
5 and level 3 charging.

6 (2) The current and anticipated future distribu-
7 tion of plug-in hybrid electric vehicles and plug-in
8 electric vehicles for a proposed charging station loca-
9 tion and how many electric vehicles will need to be
10 charged at the same time.

11 (3) In the case of level 3 charging, which pro-
12 vides the fastest charging rates, an assessment of
13 supporting utilities infrastructure, potential gaps,
14 and required improvements.

15 (4) The costs and benefits of using a single
16 connector versus multi-connector units.

17 (5) The interoperability of chargers and the po-
18 tential future needs or applications for chargers,
19 such as vehicle-to-grid or vehicle-to-building applica-
20 tions.

21 (e) CONSIDERATIONS RELATED TO CHARGING STA-
22 TION OWNERSHIP.—A determination of the optimal own-
23 ership method to provide charging stations as part of a
24 military construction project shall include consideration of
25 the following:

1 (1) Use of Government owned (purchased, in-
2 stalled, and maintained) charging stations.

3 (2) Use of third-party financed, installed, oper-
4 ated, and maintained charging stations.

5 (3) Use of financing models in which energy
6 and charging infrastructure operations and mainte-
7 nance are treated as a service.

8 (4) Network and data collection requirements,
9 including considerations related to communications
10 with charging and utility networks, managed charg-
11 ing, grid curtailment, and electric vehicles as a grid
12 asset.

13 (5) Cyber and physical security concerns and
14 best practices associated with different ownership,
15 network, and control models.

16 (f) CONSIDERATIONS RELATED TO POWER
17 SOURCE.—A determination of the optimal power source
18 to provide charging stations as part of a military construc-
19 tion project shall include consideration of the following:

20 (1) Transformer and substation requirements.

21 (2) Microgrids and distributed energy to sup-
22 port both charging requirements and energy storage.

23 (g) INSTALLATION PLANS FOR CHARGING STATIONS
24 REQUIRED.—

1 (1) INFRASTRUCTURE DEVELOPMENT PLANS.—

2 For each of fiscal years 2023 through 2027, each
3 Secretary of a military department shall complete
4 for at least five military installations in the United
5 States under the jurisdiction of the Secretary an in-
6 frastructure development plan for the installation of
7 charging stations for electric vehicles.

8 (2) INCLUSION OF ELECTRICITY MICROGRID.—

9 Each infrastructure development plan shall include
10 the use of a microgrid that will be sufficient—

11 (A) to cover anticipated electricity demand
12 of electric vehicles using charging stations in-
13 cluded in the plan; and

14 (B) to improve installation energy resil-
15 ience.

16 (h) DEFINITIONS.—In this section:

17 (1) The term “charging station” refers to a col-
18 lection of one or more electric vehicle supply equip-
19 ment units.

20 (2) The term “connector” refers to the socket
21 or cable that connects an electric vehicle being
22 charged to the electric vehicle supply equipment
23 unit.

24 (3) The term “electric vehicle” includes—

1 (A) a plug-in hybrid electric vehicle that
2 uses a combination of electric and gas powered
3 engine that can use either gasoline or electricity
4 as a fuel source; and

5 (B) a plug-in electric vehicle that runs
6 solely on electricity and does not contain an in-
7 ternal combustion engine or gas tank.

8 (4) The term “electric vehicle supply equipment
9 unit” refers to the port that supplies electricity to
10 one vehicle at a time.

11 (5) The term “level 1 charging” refers to an
12 electric vehicle charging method that provides charg-
13 ing through a 120 volt alternating current plug and
14 supplies approximately two to five miles of range per
15 hour of charging time.

16 (6) The term “level 2 charging” refers to an
17 electric vehicle charging method that provides charg-
18 ing through a 240 volt alternating current recep-
19 tacle, requires a dedicated 40-Amp circuit and sup-
20 plies approximately 10 to 20 miles of range per hour
21 of charging time.

22 (7) The term “level 3 charging”, also known as
23 DC Fast Charging, refers to an electric vehicle
24 charging method that provides charging via direct
25 current equipment that does not require a convertor

1 and supplies approximately 60 to 80 miles of range
2 per 20 min of charging.

3 (8) The term “microgrid” refers to a group of
4 interconnected loads and distributed energy re-
5 sources within clearly defined electrical boundaries
6 that acts as a single controllable entity with respect
7 to the grid.

8 **SEC. 2844. CONDITIONS ON REVISION OF UNIFIED FACILI-**
9 **TIES CRITERIA OR UNIFIED FACILITIES**
10 **GUIDE SPECIFICATIONS REGARDING USE OF**
11 **VARIABLE REFRIGERANT FLOW SYSTEMS.**

12 (a) CONGRESSIONAL NOTIFICATION REQUIRED.—
13 The Under Secretary of Defense for Acquisition and
14 Sustainment shall notify the Committee on Armed Serv-
15 ices of the House of Representatives before executing any
16 revision to the Unified Facilities Criteria/DoD Building
17 Code (UFC 1–200–01) or Unified Facilities Guide Speci-
18 fications regarding the use of variable refrigerant flow sys-
19 tems.

20 (b) ELEMENTS OF EFFECTIVE NOTIFICATION.—To
21 be effective as congressional notification for purposes of
22 subsection (a), the notice submitted by the Under Sec-
23 retary of Defense for Acquisition and Sustainment must—

24 (1) be in writing;

1 (2) specify the nature of the revision to be
2 made to the Unified Facility Criteria/DoD Building
3 Code (UFC 1–200–01) or Unified Facilities Guide
4 Specifications regarding the use of variable refrigerant flow systems;

6 (3) explain the justification for the revision; and

7 (4) be received by the Committee on Armed
8 Services of the House of Representatives at least 30
9 days before the revision takes effect.

10 **SEC. 2845. AMENDMENT OF UNIFIED FACILITIES CRITERIA**

11 **TO PROMOTE ENERGY EFFICIENT MILITARY**

12 **INSTALLATIONS.**

13 (a) **AMENDMENT REQUIRED.**—Not later than Sep-
14 tember 1, 2022, the Secretary of Defense shall amend the
15 Unified Facilities Criteria relating to military construction
16 planning and design to ensure that building practices and
17 standards of the Department of Defense incorporate the
18 latest consensus-based codes and standards for energy ef-
19 ficiency and conservation, including the 2021 Inter-
20 national Energy Conservation Code and the ASHRAE
21 Standard 90.1-2019.

22 (b) **CONDITIONAL AVAILABILITY OF FUNDS.**—Not
23 more than 25 percent of the funds authorized to be appro-
24 priated for fiscal year 2022 for Department of Defense
25 planning and design accounts relating to military con-

1 construction projects may be obligated until the date on which
2 the Secretary of Defense submits to the Committees on
3 Armed Services of the House of Representatives and the
4 Senate a certification that the Secretary—

5 (1) has initiated the amendment process re-
6 quired by subsection (a); and

7 (2) intends to complete such process by Sep-
8 tember 1, 2022.

9 (c) IMPLEMENTATION OF UNIFIED FACILITIES CRI-
10 TERIA AMENDMENTS.—

11 (1) COMPLIANCE DEADLINE.—Any Department
12 of Defense Form 1391 submitted to Congress after
13 September 1, 2022 shall comply with the Unified
14 Facilities Criteria, as amended pursuant to this sec-
15 tion.

16 (2) CERTIFICATION.—Not later than March 1,
17 2023, the Secretary of Defense shall certify to the
18 Committees on Armed Services of the House of Rep-
19 resentatives and the Senate the completion and full
20 incorporation of the amendments made pursuant to
21 subsection (a) into military construction planning
22 and design.

23 (d) ANNUAL REVIEW REQUIRED.—The Secretary of
24 Defense shall conduct an annual review comparing the
25 Unified Facilities Criteria and industry best practices for

1 the purpose of ensuring that military construction building
2 practices and standards of the Department of Defense re-
3 lating to military installation energy efficiency and energy
4 conservation remain up-to-date with the latest consensus-
5 based energy codes and standards that provide energy sav-
6 ings. Not later than March 1 each year, the Secretary
7 shall submit the results of the most recent review to the
8 Committees on Armed Services of the House of Represent-
9 atives and the Senate.

10 **Subtitle F—Land Conveyances**

11 **SEC. 2851. MODIFICATION OF RESTRICTIONS ON USE OF** 12 **FORMER NAVY PROPERTY CONVEYED TO** 13 **UNIVERSITY OF CALIFORNIA, SAN DIEGO,** 14 **CALIFORNIA.**

15 (a) MODIFICATION OF ORIGINAL USE RESTRIC-
16 TION.—Section 3(a) of Public Law 87–662 (76 Stat. 546)
17 is amended by inserting after “educational purposes” the
18 following: “, which may include technology innovation and
19 entrepreneurship programs and establishment of innova-
20 tion incubators”.

21 (b) EXECUTION.—If necessary to effectuate the
22 amendment made by subsection (a), the Secretary of the
23 Navy shall execute and file in the appropriate office an
24 amended deed or other appropriate instrument reflecting
25 the modification of restrictions on the use of former Camp

1 Matthews conveyed to the regents of the University of
2 California pursuant to Public Law 87-662.

3 **SEC. 2852. LAND CONVEYANCE, JOINT BASE CAPE COD,**
4 **BOURNE, MASSACHUSETTS.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Air Force may convey to the Commonwealth of Massa-
7 chusetts (in this section referred to as the “Common-
8 wealth”) all right, title, and interest of the United States
9 in and to a parcel of real property, including improve-
10 ments thereon and related easements, consisting of ap-
11 proximately 10 acres located on Joint Base Cape Cod,
12 Bourne, Massachusetts.

13 (b) CONDITIONS OF CONVEYANCE.—The conveyance
14 under subsection (a) shall be subject to valid existing
15 rights and the Commonwealth shall accept the real prop-
16 erty, and any improvements thereon, in its condition at
17 the time of the conveyance (commonly known as a convey-
18 ance “as is”).

19 (c) CONSIDERATION.—

20 (1) CONSIDERATION REQUIRED.—As consider-
21 ation for the conveyance under subsection (a), the
22 Commonwealth shall pay to the United States an
23 amount equal to the fair market value of the right,
24 title, and interest conveyed under subsection (a)
25 based on an appraisal approved by the Secretary.

1 (2) TREATMENT OF CONSIDERATION RE-
2 RECEIVED.—Consideration received under paragraph
3 (1) shall be deposited in the special account in the
4 Treasury established under subsection (b) of section
5 572 of title 40, United States Code, and shall be
6 available in accordance with paragraph (5)(B) of
7 such subsection.

8 (d) PAYMENT OF COSTS OF CONVEYANCE.—

9 (1) PAYMENT REQUIRED.—The Secretary of
10 the Air Force shall require the Commonwealth to
11 cover all costs (except costs for environmental reme-
12 diation of the property) to be incurred by the Sec-
13 retary, or to reimburse the Secretary for costs in-
14 curred by the Secretary, to carry out the conveyance
15 under subsection (a), including survey costs, costs
16 for environmental documentation, and any other ad-
17 ministrative costs related to the conveyance. If
18 amounts are collected from the Commonwealth in
19 advance of the Secretary incurring the actual costs,
20 and the amount collected exceeds the costs actually
21 incurred by the Secretary to carry out the convey-
22 ance, the Secretary shall refund the excess amount
23 to the Commonwealth.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—
25 Amounts received as reimbursement under para-

1 graph (1) shall be credited to the fund or account
2 that was used to cover the costs incurred by the Sec-
3 retary in carrying out the conveyance or, if the pe-
4 riod of availability for obligations for that appropria-
5 tion has expired, to an appropriate fund or account
6 currently available to the Secretary for the same
7 purpose. Amounts so credited shall be merged with
8 amounts in such fund or account, and shall be avail-
9 able for the same purposes, and subject to the same
10 conditions and limitations, as amounts in such fund
11 or account.

12 (e) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the property to be conveyed under
14 subsection (a) shall be determined by a survey satisfactory
15 to the Secretary of the Air Force.

16 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
17 retary of the Air Force may require such additional terms
18 and conditions in connection with the conveyance under
19 subsection (a) as the Secretary considers appropriate to
20 protect the interests of the United States.

21 **SEC. 2853. LAND CONVEYANCE, ROSECRANS AIR NATIONAL**
22 **GUARD BASE, SAINT JOSEPH, MISSOURI.**

23 (a) CONVEYANCE AUTHORIZED.—Once the Secretary
24 of the Air Force determines that the Missouri Air National
25 Guard has vacated the parcel of real property consisting

1 of approximately 54 acres at Rosecrans Air National
2 Guard Base located on the southern end of the airfield
3 at Rosecrans Memorial Airport in Saint Joseph, Missouri,
4 the Secretary may convey to the City of Saint Joseph, Mis-
5 souri (in this section referred to as the “City”), all right,
6 title, and interest of the United States in and to that par-
7 cel of real property, including any improvements thereon,
8 for the purpose of—

9 (1) removing the property from within the
10 boundaries of Rosecrans Air National Guard Base;

11 (2) accommodating the operational and mainte-
12 nance needs of Rosecrans Memorial Airport; and

13 (3) permitting the development of the property
14 and any improvements thereon for economic pur-
15 poses.

16 (b) **CONDITIONS ON CONVEYANCE.**—The conveyance
17 of the parcel of property under subsection (a) shall be sub-
18 ject to any valid existing rights regarding the property,
19 and the City shall accept the property and any improve-
20 ments thereon in their condition at the time of the convey-
21 ance (commonly known as a conveyance “as is”).

22 (c) **CONSIDERATION.**—

23 (1) **CONSIDERATION REQUIRED, FORMS.**—As
24 consideration for the conveyance of the property

1 under subsection (a), the City shall enter into an
2 agreement with the Secretary—

3 (A) to convey to the Secretary of the Air
4 Force a parcel of real property acceptable to
5 the Secretary in exchange for the property con-
6 veyed by the Secretary;

7 (B) to provide in-kind consideration ac-
8 ceptable to the Secretary in the form of the
9 construction, provision, improvement, alter-
10 ation, protection, maintenance, repair, or res-
11 toration, including environmental restoration, or
12 a combination thereof, of any facilities or infra-
13 structure relating to the needs of the Missouri
14 Air National Guard at Rosecrans Air National
15 Guard Base; or

16 (C) to provide a combination of the consid-
17 eration authorized by subparagraphs (A) and
18 (B).

19 (2) AMOUNT OF CONSIDERATION; APPRAISAL.—
20 Except as provided in paragraph (3), the value of
21 the consideration provided by the City under para-
22 graph (1) shall be equal to the fair market value of
23 the right, title, and interest conveyed by the Sec-
24 retary under subsection (a), based on one or more

1 appraisals determined necessary and approved by
2 the Secretary.

3 (3) CASH EQUALIZATION PAYMENT.—If the
4 value of the property conveyed by the City or in-kind
5 consideration provided by the City under paragraph
6 (1), or combination thereof, is less than the fair
7 market value of the right, title, and interest con-
8 veyed by the Secretary under subsection (a), the
9 City shall pay to the United States an amount equal
10 to the difference in the fair market values. Any cash
11 consideration received under this paragraph shall
12 be—

13 (A) deposited in the special account in the
14 Treasury established pursuant to paragraph (5)
15 of section 572(b) of title 40, United States
16 Code; and

17 (B) available to the Secretary in accord-
18 ance with the subparagraph (B)(ii) of such
19 paragraph.

20 (d) PAYMENT OF COSTS OF CONVEYANCE.—

21 (1) PAYMENT REQUIRED.—The Secretary of
22 the Air Force may require the City to cover all costs
23 to be incurred by the Secretary, or to reimburse the
24 Secretary for costs incurred by the Secretary, to
25 carry out the conveyance under subsection (a), in-

1 including appraisal and survey costs, costs related to
2 environmental documentation, and any other admin-
3 istrative costs related to the conveyance. If amounts
4 paid by the City to the Secretary in advance exceed
5 the costs actually incurred by the Secretary to carry
6 out the conveyance, the Secretary shall refund the
7 excess amount to the City.

8 (2) TREATMENT OF AMOUNTS RECEIVED.—
9 Amounts received under paragraph (1) as reim-
10 bursement for costs incurred by the Secretary to
11 carry out the conveyance under subsection (a) shall
12 be credited to the fund or account that was used to
13 cover the costs incurred by the Secretary in carrying
14 out the conveyance, or to an appropriate fund or ac-
15 count currently available to the Secretary for the
16 purposes for which the costs were paid. Amounts so
17 credited shall be merged with amounts in such fund
18 or account and shall be available for the same pur-
19 poses, and subject to the same conditions and limita-
20 tions, as amounts in such fund or account.

21 (e) DESCRIPTION OF PROPERTY.—The exact acreage
22 and legal description of the property to be conveyed under
23 subsection (a) shall be determined by a survey satisfactory
24 to the Secretary of the Air Force.

1 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
2 retary of the Air Force may require such additional terms
3 and conditions in connection with the conveyance under
4 subsection (a) as the Secretary considers appropriate to
5 protect the interests of the United States.

6 **SEC. 2854. LAND CONVEYANCE, NAVAL AIR STATION**
7 **OCEANA, VIRGINIA BEACH, VIRGINIA.**

8 (a) CONVEYANCE AUTHORIZED.—

9 (1) IN GENERAL.—The Secretary of the Navy
10 may convey to the School Board of the City of Vir-
11 ginia Beach, Virginia (in this section referred to as
12 “VBCPS”) all right, title, and interest of the United
13 States in and to a parcel of real property, including
14 any improvements thereon, consisting of approxi-
15 mately 2.77 acres at Naval Air Station Oceana, Vir-
16 ginia Beach, Virginia, located at 121 West Lane
17 (GPIN: 2407-94-0772) for the purpose of permitting
18 VBCPS to use the property for educational pur-
19 poses.

20 (2) CONTINUATION OF EXISTING EASEMENTS,
21 RESTRICTIONS, AND COVENANTS.—The conveyance
22 of the property under paragraph (1) shall be subject
23 to any easement, restriction, or covenant of record
24 applicable to the property and in existence on the
25 date of the enactment of this Act.

1 (b) CONSIDERATION.—

2 (1) CONSIDERATION REQUIRED; AMOUNT.—As
3 consideration for the conveyance under subsection
4 (a), VBCPS shall pay to the Secretary of the Navy
5 an amount that is not less than the fair market
6 value of the property to be conveyed, as determined
7 by the Secretary. The Secretary's determination of
8 fair market value shall be final of the property to be
9 conveyed.

10 (2) FORM OF CONSIDERATION.—The consider-
11 ation required by paragraph (1) may be in the form
12 of a cash payment, in-kind consideration as de-
13 scribed in paragraph (3), or a combination thereof,
14 as acceptable to the Secretary. Cash consideration
15 shall be deposited in the special account in the
16 Treasury established under section 572 of title 40,
17 United States Code, and the entire amount depos-
18 ited shall be available for use in accordance with
19 subsection (b)(5)(ii) of such section.

20 (3) IN-KIND CONSIDERATION.—The Secretary
21 may accept as in-kind consideration under this sub-
22 section the acquisition, construction, provision, im-
23 provement, maintenance, repair, or restoration (in-
24 cluding environmental restoration), or combination
25 thereof, of any facilities or infrastructure, or the de-

1 livery of services, relating to the needs of Naval Air
2 Station Oceana.

3 (c) PAYMENT OF COSTS OF CONVEYANCE.—

4 (1) PAYMENT REQUIRED.—The Secretary of
5 the Navy shall require VBCPS to cover costs to be
6 incurred by the Secretary, or to reimburse the Sec-
7 retary for costs incurred by the Secretary, to carry
8 out the conveyance under subsection (a), including
9 costs related to environmental and real estate due
10 diligence, and any other administrative costs related
11 to the conveyance. If amounts are collected in ad-
12 vance of the Secretary incurring the actual costs,
13 and the amount collected exceeds the costs actually
14 incurred by the Secretary to carry out the convey-
15 ance, the Secretary shall refund the excess amount
16 to VBCPS.

17 (2) TREATMENT OF AMOUNTS RECEIVED.—

18 Amounts received as reimbursement under para-
19 graph (1) shall be credited to the fund or account
20 that was used to cover those costs incurred by the
21 Secretary in carrying out the conveyance or, if the
22 period of availability for obligations for that appro-
23 priation has expired, to the fund or account cur-
24 rently available to the Secretary for the same pur-
25 pose. Amounts so credited shall be merged with

1 amounts in such fund or account, and shall be avail-
2 able for the same purposes, and subject to the same
3 conditions and limitations, as amounts in such fund
4 or account.

5 (d) LIMITATION ON SOURCE OF FUNDS.—VBCPS
6 may not use Federal funds to cover any portion of the
7 costs required by subsections (b) and (c) to be paid by
8 VBCPS.

9 (e) DESCRIPTION OF PROPERTY.—The exact acreage
10 and legal description of the parcel of real property to be
11 conveyed under subsection (a) shall be determined by a
12 survey satisfactory to the Secretary of the Navy.

13 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
14 retary of the Navy may require such additional terms and
15 conditions in connection with the conveyance under sub-
16 section (a) as the Secretary considers appropriate to pro-
17 tect the interests of the United States.

18 **Subtitle G—Authorized Pilot** 19 **Programs**

20 **SEC. 2861. PILOT PROGRAM ON INCREASED USE OF MASS** 21 **TIMBER IN MILITARY CONSTRUCTION.**

22 (a) PILOT PROGRAM REQUIRED.—Each Secretary of
23 a military department shall conduct a pilot program to
24 evaluate the effect that the use of mass timber as the pri-
25 mary construction material in military construction may

1 have on the environmental sustainability, infrastructure
2 resilience, cost effectiveness, and construction timeliness
3 of military construction.

4 (b) PROJECT SELECTION AND LOCATIONS.—

5 (1) MINIMUM NUMBER OF PROJECTS.—Each
6 Secretary of a military department shall carry out at
7 least one military construction project under the
8 pilot program.

9 (2) PROJECT LOCATIONS.—The pilot program
10 shall be conducted at military installations in the
11 continental United States—

12 (A) that are identified as vulnerable to ex-
13 treme weather events; and—

14 (B) for which a military construction
15 project is authorized but a request for proposal
16 has not been released.

17 (c) INCLUSION OF MILITARY UNACCOMPANIED
18 HOUSING PROJECT.—The Secretaries of the military de-
19 partments shall coordinate the selection of military con-
20 struction projects to be carried out under the pilot pro-
21 gram so that at least one of the military construction
22 projects involves construction of military unaccompanied
23 housing.

24 (d) PROGRAM AUTHORITY.—The Secretary of a mili-
25 tary department may carry out a military construction

1 project under the pilot program using the authorities
2 available to the Secretary of Defense under section 2914
3 of title 10, United States Code, regarding military con-
4 struction projects for energy resilience, energy security,
5 and energy conservation.

6 (e) DURATION OF PROGRAM.—The authority of the
7 Secretary of a military department to carry out a military
8 construction project under the pilot program shall expire
9 on September 30, 2024. Any construction commenced
10 under the pilot program before the expiration date may
11 continue to completion.

12 (f) REPORTING REQUIREMENT.—

13 (1) REPORT REQUIRED.—Not later than 180
14 days after the date of the enactment of this Act, and
15 every 180 days thereafter through December 31,
16 2024, the Secretaries of the military departments
17 shall submit to the congressional defense committees
18 a report on the progress of the pilot program.

19 (2) REPORT ELEMENTS.—The report shall in-
20 clude the following:

21 (A) A description of the status of the mili-
22 tary construction projects selected to be con-
23 ducted under the pilot program.

1 (B) An explanation of the reasons why
2 those military construction projects were se-
3 lected.

4 (C) An analysis of the projected or actual
5 carbon footprint, resilience to extreme weather
6 events, construction timeliness, and cost effec-
7 tiveness of the military construction projects
8 conducted under the pilot program using mass
9 timber as compared to other materials histori-
10 cally used in military construction.

11 (D) Any updated guidance the Under Sec-
12 retary of Defense for Acquisition and
13 Sustainment has released in relation to the pro-
14 curement policy for future military construction
15 projects based on comparable benefits realized
16 from use of mass timber, including guidance on
17 prioritizing sustainable materials in establishing
18 evaluation criteria for military construction
19 project contracts when technically feasible.

20 (g) MASS TIMBER DEFINED.—In this section, the
21 term “mass timber” includes the following:

- 22 (1) Cross-laminated timber.
- 23 (2) Nail-laminated timber.
- 24 (3) Glue-laminated timber.
- 25 (4) Laminated strand lumber.

1 (5) Laminated veneer lumber.

2 **SEC. 2862. PILOT PROGRAM ON INCREASED USE OF SUS-**
3 **TAINABLE BUILDING MATERIALS IN MILI-**
4 **TARY CONSTRUCTION.**

5 (a) PILOT PROGRAM REQUIRED.—Each Secretary of
6 a military department shall conduct a pilot program to
7 evaluate the effect that the use of sustainable building ma-
8 terials as the primary construction material in military
9 construction may have on the environmental sustain-
10 ability, infrastructure resilience, cost effectiveness, and
11 construction timeliness of military construction.

12 (b) PROJECT SELECTION AND LOCATIONS.—

13 (1) MINIMUM NUMBER OF PROJECTS.—Each
14 Secretary of a military department shall carry out at
15 least one military construction project under the
16 pilot program.

17 (2) PROJECT LOCATIONS.—The pilot program
18 shall be conducted at military installations in the
19 continental United States—

20 (A) that are identified as vulnerable to ex-
21 treme weather events; and—

22 (B) for which a military construction
23 project is authorized but a request for proposal
24 has not been released.

1 (c) INCLUSION OF MILITARY UNACCOMPANIED
2 HOUSING PROJECT.—The Secretaries of the military de-
3 partments shall coordinate the selection of military con-
4 struction projects to be carried out under the pilot pro-
5 gram so that at least one of the military construction
6 projects involves construction of military unaccompanied
7 housing.

8 (d) DURATION OF PROGRAM.—The authority of the
9 Secretary of a military department to carry out a military
10 construction project under the pilot program shall expire
11 on September 30, 2024. Any construction commenced
12 under the pilot program before the expiration date may
13 continue to completion.

14 (e) REPORTING REQUIREMENT.—

15 (1) REPORT REQUIRED.—Not later than 180
16 days after the date of the enactment of this Act, and
17 every 180 days thereafter through December 31,
18 2024, the Secretaries of the military departments
19 shall submit to the congressional defense committees
20 a report on the progress of the pilot program.

21 (2) REPORT ELEMENTS.—The report shall in-
22 clude the following:

23 (A) A description of the status of the mili-
24 tary construction projects selected to be con-
25 ducted under the pilot program.

1 (B) An explanation of the reasons why
2 those military construction projects were se-
3 lected.

4 (C) An analysis of the projected or actual
5 carbon footprint over the full life cycle of the
6 sustainable building material, resilience to ex-
7 treme weather events, construction timeliness,
8 and cost effectiveness of the military construc-
9 tion projects conducted under the pilot program
10 using sustainable building materials as com-
11 pared to other materials historically used in
12 military construction.

13 (D) Any updated guidance the Under Sec-
14 retary of Defense for Acquisition and
15 Sustainment has released in relation to the pro-
16 curement policy for future military construction
17 projects based on comparable benefits realized
18 from use of sustainable building materials, in-
19 cluding guidance on prioritizing sustainable ma-
20 terials in establishing evaluation criteria for
21 military construction project contracts when
22 technically feasible.

23 (f) SUSTAINABLE BUILDING MATERIALS DE-
24 FINED.—In this section, the term “sustainable building
25 material” means any building material the use of which

1 will reduce carbon emissions over the life cycle of the
2 building. The term includes mass timber, concrete, and
3 other carbon reducing materials.

4 **SEC. 2863. PILOT PROGRAM ON ESTABLISHMENT OF AC-**
5 **COUNT FOR REIMBURSEMENT FOR USE OF**
6 **TESTING FACILITIES AT INSTALLATIONS OF**
7 **THE DEPARTMENT OF THE AIR FORCE.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of the
10 Air Force shall establish a pilot program to authorize in-
11 stallations of the Department of the Air Force to establish
12 a reimbursable account for the purpose of being reim-
13 bursed for the use of testing facilities on such installation.

14 (b) INSTALLATIONS SELECTED.—The Secretary of
15 the Air Force shall select not more than two installations
16 of the Department of the Air Force to participate in the
17 pilot program under subsection (a) from among any such
18 installations that are part of the Air Force Flight Test
19 Center construct and are currently funded for Facility,
20 Sustainment, Restoration, and Modernization (FSRM)
21 through the Research, Development, Test, and Evaluation
22 account of the Department of the Air Force.

23 (c) OVERSIGHT OF FUNDS.—For each installation se-
24 lected for the pilot program under subsection (a), the com-
25 mander of such installation shall have direct oversight over

1 50 percent of the funds allocated to the installation for
2 Facility, Sustainment, Restoration, and Modernization
3 and the Commander of the Air Force Civil Engineer Cen-
4 ter shall have direct oversight over the remaining 50 per-
5 cent of such funds.

6 (d) BRIEFING AND REPORT.—

7 (1) BRIEFING.—Not later than 30 days after
8 establishing the pilot program under subsection (a),
9 the Secretary of the Air Force shall brief the con-
10 gressional defense committees on the pilot program.

11 (2) ANNUAL REPORT.—Not later than one year
12 after establishing the pilot program under subsection
13 (a), and annually thereafter, the Secretary of the Air
14 Force shall submit to the congressional defense com-
15 mittees a report on the pilot program.

16 (e) TERMINATION.—The pilot program under sub-
17 section (a) shall terminate on December 1, 2026.

18 **SEC. 2864. PILOT PROGRAM TO EXPEDITE 5G TELE-**
19 **COMMUNICATIONS ON MILITARY INSTALLA-**
20 **TIONS THROUGH DEPLOYMENT OF TELE-**
21 **COMMUNICATIONS INFRASTRUCTURE.**

22 (a) PILOT PROGRAM REQUIRED.—Not later than one
23 year after the date of the enactment of this Act, each Sec-
24 retary of a military department shall establish a pilot pro-
25 gram to evaluate the feasibility of deploying telecommuni-

1 cations infrastructure to expedite the availability of 5G
2 telecommunications on military installations.

3 (b) SELECTION OF PROGRAM SITES.—

4 (1) IN GENERAL.—Each Secretary of a military
5 department shall select at least one military installa-
6 tion under the jurisdiction of the Secretary as a lo-
7 cation at which to conduct the pilot program.

8 (2) PRIORITY.—In selecting a military installa-
9 tion as a location for the pilot program, the Sec-
10 retary of a military department shall prioritize mili-
11 tary installations that are located in close proximity
12 to other military installations, whether or not the
13 other installations are under the jurisdiction of that
14 Secretary.

15 (c) IMPLEMENTATION REPORT.—Not later than six
16 months after the establishment of the pilot program by
17 the Secretary of a military department, that Secretary
18 shall submit to the congressional defense committees a re-
19 port containing the following:

20 (1) A list of the military installations selected
21 by that Secretary as locations for the pilot program.

22 (2) A description of authorities used to execute
23 the pilot program.

24 (3) The number and identity of telecommuni-
25 cation carriers that intend to use the telecommuni-

1 cations infrastructure deployed pursuant to the pilot
2 program to provide 5G telecommunication services
3 at the selected military installations.

4 (4) An assessment of the need to have central-
5 ized processes and points of contacts or additional
6 authorities, to facilitate deployment of telecommuni-
7 cations infrastructure.

8 (d) TELECOMMUNICATIONS INFRASTRUCTURE DE-
9 FINED.—In this section, the term “telecommunications in-
10 frastructure” includes, but is not limited to, the following:

- 11 (1) Macro towers.
12 (2) Small cell poles.
13 (3) Distributed antenna systems.
14 (4) Dark fiber.
15 (5) Power solutions.

16 **Subtitle H—Asia-Pacific and Indo-**
17 **Pacific Issues**

18 **SEC. 2871. IMPROVED OVERSIGHT OF CERTAIN INFRA-**
19 **STRUCTURE SERVICES PROVIDED BY NAVAL**
20 **FACILITIES ENGINEERING SYSTEMS COM-**
21 **MAND PACIFIC.**

22 The Secretary of the Navy shall designate an admin-
23 istrative position within the Naval Facilities Engineering
24 Systems Command Pacific for the purpose of improving
25 the continuity of management and oversight of real prop-

1 erty and infrastructure assets in the Pacific Area of Re-
2 sponsibility related to the training needs of the Armed
3 Forces, particularly regarding leased property for which
4 the lease will expire within 10 years after the date of the
5 enactment of this Act.

6 **SEC. 2872. ANNUAL REPORT ON RENEWAL OF DEPARTMENT**
7 **OF DEFENSE EASEMENTS AND LEASES OF**
8 **LAND IN HAWAII.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) Lands throughout the State of Hawai'i,
11 which are currently owned and leased by the Depart-
12 ment of Defense or in which the Department of De-
13 fense otherwise has a real property interest, are crit-
14 ical to maintaining the readiness of the Armed
15 Forces now stationed or to be stationed in Hawai'i
16 and throughout the Indo-Pacific region and else-
17 where.

18 (2) Securing long-term continued utilization of
19 those lands by the Armed Forces is thus critical to
20 the national defense.

21 (3) As a result of various factors, including
22 complex land ownership and utilization issues and
23 competing actual and potential uses, the inter-
24 dependency of the various military components, and
25 the necessity of maintaining public support for the

1 presence and operations of the Armed Forces in Ha-
2 wai'i, the realization of the congressional and De-
3 partment of Defense goals of ensuring the continuity
4 of critical land and facilities infrastructure requires
5 a sustained, dedicated, funded, top-level effort to co-
6 ordinate realization of these goals across the Armed
7 Forces, between the Department of Defense and
8 other agencies of the Federal Government, and be-
9 tween the Department of Defense and the State of
10 Hawai'i and its civilian sector.

11 (4) The end result of this effort must account
12 for military and civilian concerns and for the chang-
13 ing missions and needs of all components of the
14 Armed Forces stationed or otherwise operating out
15 of the State of Hawai'i as the Department of De-
16 fense adjusts to meet the objectives outlined in the
17 National Defense Strategy.

18 (b) ANNUAL REPORT.—

19 (1) REPORT REQUIRED.—Not later than Feb-
20 ruary 1 of each year, the Secretary of Defense shall
21 submit to the congressional defense committee a re-
22 port describing the progress being made by the De-
23 partment of Defense to renew each Department of
24 Defense land lease and easement in the State of
25 Hawai'i that—

1 (A) encompasses one acre or more; and

2 (B) will expire within 10 years after the
3 date of the submission of the report.

4 (2) REPORT ELEMENTS.— Each report sub-
5 mitted under paragraph (1) shall include the fol-
6 lowing:

7 (A) The location, size, and expiration date
8 of each lease and easement.

9 (B) Major milestones and expected
10 timelines for maintaining access to the land
11 covered by each lease and easement.

12 (C) Actions completed over the preceding
13 two years for each lease and easement.

14 (D) Department-wide and service-specific
15 authorities governing each lease and easement
16 extension.

17 (E) A summary of coordination efforts be-
18 tween the Secretary of Defense and the Secre-
19 taries of the military departments.

20 (F) The status of efforts to develop an in-
21 ventory of military land in Hawai'i, including
22 current and possible future uses of the land,
23 that would assist in land negotiations with the
24 State of Hawai'i.

1 (G) The risks and potential solutions to
2 ensure the renewability of required and critical
3 leases and easements.

4 **SEC. 2873. REPORT ON LONG-TERM INFRASTRUCTURE**
5 **NEEDS TO SUPPORT MARINE CORPS RE-**
6 **ALIGNMENT IN UNITED STATES INDO-PA-**
7 **CIFIC COMMAND AREA OF RESPONSIBILITY.**

8 Not later than one year after the date of the enact-
9 ment of this Act, the Deputy Commandant, Installations
10 and Logistics, of the Marine Corps shall submit to the
11 Committees on Armed Services of the Senate and the
12 House of Representatives a report listing and describing
13 the infrastructure that will be needed to directly support
14 the Marine Corps realignment in the United States Indo-
15 Pacific Command Area of Responsibility. The report shall
16 include the known or estimated scope, cost, and schedule
17 for each military construction project, repair project, or
18 other infrastructure project included on the infrastructure
19 list.

20 **SEC. 2874. FIVE-YEAR UPDATES OF HAWAI'I MILITARY LAND**
21 **USE MASTER PLAN.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) The continued presence of the Armed
24 Forces and Department of Defense in the State of

1 Hawai‘i supports the United State’s objective of a
2 free and open Indo-Pacific region.

3 (2) Given the strategic location of Hawai‘i in
4 the central Pacific, the State is home to the United
5 States Indo-Pacific Command and all of its sub-
6 component commanders.

7 (3) The Armed Forces and Department of De-
8 fense presence in Hawai‘i is extensive and significant
9 despite the limited geography of the State.

10 (b) SENSE OF CONGRESS.—Given the extent and sig-
11 nificance of the Armed Forces and Department of Defense
12 presence in Hawai‘i and the limited geography of the
13 State, it is the sense of Congress that the Secretary of
14 Defense should—

15 (1) synchronize all of the Armed Forces’ train-
16 ing activities, land holdings, and operations for the
17 most efficient use and stewardship of land in
18 Hawai‘i; and

19 (2) ensure that the partnership between the
20 DoD and State of Hawai‘i is mutually advantageous
21 and based on the following principles:

22 (A) Respect for the land, people, and cul-
23 ture of Hawai‘i.

24 (B) Commitment to building strong, resil-
25 ient communities.

1 (C) Maximum joint use of Department of
2 Defense land holdings.

3 (D) Optimization of existing Armed Forces
4 training, operational, and administrative facili-
5 ties.

6 (E) Synchronized communication from
7 United States Indo-Pacific Command across all
8 military components with State government,
9 State agencies, county governments, commu-
10 nities, and Federal agencies on critical land and
11 environmental topics.

12 (c) REQUIRED UPDATE OF MASTER PLAN.—

13 (1) PLAN UPDATE REQUIRED.—Not later than
14 December 31, 2025, and every five years thereafter
15 through December 31, 2045, the Deputy Assistant
16 Secretary of Defense for Real Property shall update
17 the Hawai‘i Military Land Use Master Plan, which
18 was first produced by the Department of Defense in
19 1995 and updated in 2002 and 2021.

20 (2) ELEMENTS.—In updating the Hawai‘i Mili-
21 tary Land Use Master Plan, the Deputy Assistant
22 Secretary of Defense for Real Property shall con-
23 sider, address, and include the following:

1 (A) The priorities of each individual
2 Armed Force and joint priorities within the
3 State of Hawai'i.

4 (B) The historical background of Armed
5 Forces and Department of Defense use of lands
6 in Hawai'i and the cultural significance of the
7 historical land holdings.

8 (C) A summary of all leases and easements
9 held by the Department.

10 (D) An overview of Army, Navy, Marine
11 Corps, Air Force, Space Force, Coast Guard,
12 Hawai'i National Guard, and Hawai'i Air Na-
13 tional Guard assets in the State, including the
14 following for each asset:

15 (i) The location and size of facilities.

16 (ii) Any tenet commands.

17 (iii) Training lands.

18 (iv) Purpose of the asset.

19 (v) Priorities for the asset for the next
20 five years, including any planned
21 divestitures and expansions.

22 (E) A summary of encroachment planning
23 efforts.

1 (F) A summary of efforts to synchronize
2 the inter-service use of training lands and
3 ranges.

4 (3) COOPERATION.—The Deputy Assistant Sec-
5 retary of Defense for Real Property shall carry out
6 this subsection in conjunction with the Commander
7 of United States Indo-Pacific Command.

8 (d) SUBMISSION OF UPDATED PLAN.—Not later than
9 30 days after the date of the completion of an update to
10 the Hawai‘i Military Land Use Master Plan under sub-
11 section (c), the Deputy Assistant Secretary of Defense for
12 Real Property shall submit the updated master plan to
13 the Committees on Armed Services of the Senate and the
14 House of Representatives.

15 **Subtitle I—Miscellaneous Studies** 16 **and Reports**

17 **SEC. 2881. IDENTIFICATION OF ORGANIC INDUSTRIAL BASE** 18 **GAPS AND VULNERABILITIES RELATED TO** 19 **CLIMATE CHANGE AND DEFENSIVE CYBERSE-** 20 **CURITY CAPABILITIES.**

21 Section 2504(3)(B) of title 10, United States Code,
22 is amended—

23 (1) by redesignating clauses (i), (ii), and (iii) as
24 clauses (ii), (iii), and (iv); and

1 (2) by inserting before clause (ii), as so redesignated, the following new clause:

2 “(i) gaps and vulnerabilities related
3 to—

4 “(I) current and projected impacts of climate change; and

5 “(II) defensive cybersecurity capabilities;”.

6 **SEC. 2882. REPORT ON RECOGNITION OF AFRICAN AMERICAN SERVICEMEMBERS IN DEPARTMENT OF DEFENSE NAMING PRACTICES.**

7 Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

8 (1) A description of current Department of Defense naming conventions for military installations, infrastructure, vessels, and weapon systems.

9 (2) A list of all military installations (including reserve component facilities), infrastructure (including reserve component infrastructure), vessels, and weapon systems that are currently named after African Americans who served in the Armed Forces.

10 (3) An explanation of the steps being taken to recognize the service of African Americans who have

1 served in the Armed Forces with honor, heroism,
2 and distinction by increasing the number of military
3 installations, infrastructure, vessels, and weapon sys-
4 tems named after deserving African American mem-
5 bers of the Armed Forces.

6 **Subtitle J—Other Matters**

7 **SEC. 2891. CLARIFICATION OF INSTALLATION AND MAINTENANCE REQUIREMENTS REGARDING FIRE EXTINGUISHERS IN DEPARTMENT OF DEFENSE FACILITIES.**

11 Section 2861 of the Military Construction Authoriza-
12 tion Act for Fiscal Year 2020 (division B of Public Law
13 116–92; 133 Stat. __) is amended by striking “require-
14 ments of national model fire codes developed by the Na-
15 tional Fire Protection Association and the International
16 Code Council” and inserting “NFPA 1, Fire Code of the
17 National Fire Protection Association and applicable re-
18 quirements of the international building code and inter-
19 national fire code of the International Code Council”.

1 **TITLE XXIX—ADDITIONAL MILI-**
 2 **TARY CONSTRUCTION**
 3 **PROJECTS RELATED TO**
 4 **SCIENCE, TECHNOLOGY,**
 5 **TEST, AND EVALUATION**

6 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS.**

8 The Secretary of the Army may acquire real property
 9 and carry out the military construction projects related
 10 to science, technology, test, and evaluation for the installa-
 11 tions or locations inside the United States, and in the
 12 amounts, set forth in the following table:

Army Projects

State	Installation or Location	Amount
Maryland	Aberdeen Proving Ground	\$29,000,000
	Fort Detrick	\$94,000,000
Mississippi	Engineering Research and Develop- ment Center	\$49,000,000
New Mexico	White Sands Missile Range	\$43,000,000

13 **SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 14 **ACQUISITION PROJECTS.**

15 The Secretary of the Navy may acquire real property
 16 and carry out the military construction projects related
 17 to science, technology, test, and evaluation for the installa-
 18 tions or locations inside the United States, and in the
 19 amounts, set forth in the following table:

Navy Projects

State	Installation or location	Amount
California	Naval Information Warfare Center Pacific	\$49,970,000
District of Columbia	Naval Research Laboratory	\$556,030,000
Florida	Naval Surface Warfare Center Panama City	\$83,820,000
Indiana	Naval Surface Warfare Center Crane	\$86,920,000
Maryland	Naval Air Warfare Division	\$121,190,000
	Naval Surface Warfare Center Carderock	\$45,440,000
	Naval Surface Warfare Center Indian Head Explosive Ordnance Disposal Technology Division	\$132,030,000
Pennsylvania	Naval Surface Warfare Division Philadelphia	\$160,040,000
Rhode Island	Naval Undersea Warfare Center Newport	\$129,860,000
Virginia	Naval Surface Warfare Center Dahlgren	\$98,670,000

1 **SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND**
2 **LAND ACQUISITION PROJECTS.**

3 The Secretary of the Air Force may acquire real
4 property and carry out the military construction projects
5 related to science, technology, test, and evaluation for the
6 installations or locations inside the United States, and in
7 the amounts, set forth in the following table:

Air Force Projects

State	Installation or location	Amount
California	Edwards Air Force Base	\$103,000,000
Florida	Eglin Air Force Base	\$662,000,000
Hawaii	Maui Experimental Site	\$88,000,000
New Mexico	Holloman Air Force Base	\$186,600,000
	Kirtland Air Force Base	\$138,000,000
Ohio	Wright-Patterson Air Force Base	\$378,000,000
Tennessee	Arnold Air Force Base	\$120,618,000
Texas	Joint Base San Antonio-Fort Sam Houston.	\$113,000,000

8 **SEC. 2904. AUTHORIZATION OF APPROPRIATIONS.**

9 Funds are hereby authorized to be appropriated for
10 fiscal years beginning after September 30, 2021, for the
11 military construction projects related to science, tech-

1 nology, test, and evaluation authorized by this title, as
2 specified in the funding table in section 4601.

3 **DIVISION C—DEPARTMENT OF**
4 **ENERGY NATIONAL SECURITY**
5 **AUTHORIZATIONS AND**
6 **OTHER AUTHORIZATIONS**

7 **TITLE I—DEPARTMENT OF EN-**
8 **ERGY NATIONAL SECURITY**
9 **PROGRAMS**

10 **Subtitle A—National Security**
11 **Programs and Authorizations**

12 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
13 **TION.**

14 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
15 are hereby authorized to be appropriated to the Depart-
16 ment of Energy for fiscal year 2022 for the activities of
17 the National Nuclear Security Administration in carrying
18 out programs as specified in the funding table in section
19 4701.

20 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
21 From funds referred to in subsection (a) that are available
22 for carrying out plant projects, the Secretary of Energy
23 may carry out new plant projects for the National Nuclear
24 Security Administration as follows:

1 Project 22–D–513, Power Sources Capability,
2 Sandia National Laboratories, Albuquerque, New
3 Mexico, \$13,827,000.

4 Project 22–D–514, Digital Infrastructure Capa-
5 bility Expansion, Lawrence Livermore National Lab-
6 oratory, Livermore, California, \$8,000,000.

7 Project 22–D–531, KL Chemistry and Radio-
8 logical Health Building, Knolls Atomic Power Lab-
9 oratory, Schenectady, New York, \$41,620,000.

10 Project 22–D–532, KL Security Upgrades,
11 Knolls Atomic Power Laboratory, Schenectady, New
12 York, \$5,100,000.

13 Shipping & Receiving (Exterior), Los Alamos
14 National Laboratory, Los Alamos, New Mexico,
15 \$9,700,000.

16 TCAP Restoration Column A, Savannah River
17 Site, Aiken, South Carolina, \$4,700,000.

18 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
20 are hereby authorized to be appropriated to the Depart-
21 ment of Energy for fiscal year 2022 for defense environ-
22 mental cleanup activities in carrying out programs as
23 specified in the funding table in section 4701.

24 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
25 From funds referred to in subsection (a) that are available

1 for carrying out plant projects, the Secretary of Energy
2 may carry out, for defense environmental cleanup activi-
3 ties, the following new plant projects:

4 Project 22–D–401, 400 Area Fire Station, Hanford
5 Site, Richland, Washington, \$15,200,000.

6 Project 22–D–402, 200 Area Water Treatment Facil-
7 ity, Hanford Site, Richland, Washington, \$12,800,000.

8 Project 22–D–403, Idaho Spent Nuclear Fuel Stag-
9 ing Facility, Idaho National Laboratory, Idaho Falls,
10 Idaho, \$3,000,000.

11 Project 22–D–404, Additional ICDF Landfill Dis-
12 posal Cell and Evaporation Ponds Project, Idaho National
13 Laboratory, Idaho Falls, Idaho, \$5,000,000.

14 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 2022 for other
17 defense activities in carrying out programs as specified in
18 the funding table in section 4701.

19 **SEC. 3104. NUCLEAR ENERGY.**

20 Funds are hereby authorized to be appropriated to
21 the Department of Energy for fiscal year 2022 for nuclear
22 energy as specified in the funding table in section 4701.

1 **Subtitle B—Program Authoriza-**
2 **tions, Restrictions, Limitations,**
3 **and Other Matters**

4 **SEC. 3111. IMPROVEMENTS TO ANNUAL REPORTS ON CON-**
5 **DITION OF THE UNITED STATES NUCLEAR**
6 **WEAPONS STOCKPILE.**

7 Section 4205(e)(3) of the Atomic Energy Defense Act
8 (50 U.S.C. 2525(e)(3)) is amended—

9 (1) in subparagraph (A), by inserting “, includ-
10 ing with respect to cyber assurance,” after “meth-
11 ods”; and

12 (2) in subparagraph (B), by inserting “, and
13 the confidence of the head in,” after “adequacy of”.

14 **SEC. 3112. MODIFICATIONS TO CERTAIN REPORTING RE-**
15 **QUIREMENTS.**

16 (a) NOTIFICATION OF EMPLOYEE PRACTICES AF-
17 FECTING NATIONAL SECURITY.—Section 3245 of the Na-
18 tional Nuclear Security Administration Act (50 U.S.C.
19 2443) is amended by striking subsections (a) and (b) and
20 inserting the following new subsections:

21 “(a) ANNUAL NOTIFICATION OF SECURITY CLEAR-
22 ANCE REVOCATIONS.—At or about the time that the
23 President’s budget is submitted to Congress under section
24 1105(a) of title 31, United States Code, the Administrator
25 shall notify the appropriate congressional committees of—

1 “(1) the number of covered employees whose se-
2 curity clearance was revoked during the year prior
3 to the year in which the notification is made; and

4 “(2) for each employee counted under para-
5 graph (1), the length of time such employee has
6 been employed at the Administration, as the case
7 may be, since such revocation.

8 “(b) ANNUAL NOTIFICATION OF TERMINATIONS AND
9 REMOVALS.—Not later than December 31 of each year,
10 the Administrator shall notify the appropriate congres-
11 sional committees of each instance in which the Adminis-
12 trator terminated the employment of a covered employee
13 or removed and reassigned a covered employee for cause
14 during that year.”.

15 (b) PLAN FOR CONSTRUCTION AND OPERATION OF
16 MOX FACILITY.—Section 4306 of the Atomic Energy De-
17 fense Act (50 U.S.C. 2566) is amended—

18 (1) by striking subsections (a) and (b); and

19 (2) by redesignating subsections (c) through (h)
20 as subsections (a) through (f), respectively.

21 (c) REPORTS ON CERTAIN TRANSFERS OF CIVIL NU-
22 CLEAR TECHNOLOGY.—Section 3136 of the National De-
23 fense Authorization Act for Fiscal Year 2016 (42 U.S.C.
24 2077a) is amended—

25 (1) by striking subsection (a);

1 (2) by redesignating subsections (b) through (i)
2 as subsections (a) through (h), respectively; and
3 (3) in subsection (b)(2), as so redesignated, by
4 striking “each report under subsection (a) and”.

5 (d) CERTAIN ANNUAL REVIEWS BY NUCLEAR
6 SCIENCE ADVISORY COMMITTEE.—Section 3173(a)(4)(B)
7 of the National Defense Authorization Act for Fiscal Year
8 2013 (42 U.S.C. 2065(a)(4)(B)) is amended by striking
9 “annual reviews” and inserting “reviews during even-num-
10 bered years”.

11 (e) CONFORMING AMENDMENT.—Section 161 n. of
12 the Atomic Energy Act of 1954 (42 U.S.C. 2201(n)) is
13 amended by striking “(as defined in section 3136(i) of the
14 National Defense Authorization Act for Fiscal Year 2016
15 (42 U.S.C. 2077a(i)))” and inserting “(as defined in sec-
16 tion 3136(h) of the National Defense Authorization Act
17 for Fiscal Year 2016 (42 U.S.C. 2077a(h)))”.

18 **SEC. 3113. PLUTONIUM PIT PRODUCTION CAPACITY.**

19 (a) CERTIFICATIONS.—Section 4219 of the Atomic
20 Energy Defense Act (50 U.S.C. 2538a) is amended by
21 adding at the end the following new subsections:

22 “(d) CERTIFICATIONS ON PLUTONIUM ENTER-
23 PRISE.—

24 “(1) REQUIREMENT.—Not later than 30 days
25 after the date on which a covered project achieves a

1 critical decision milestone, the Assistant Secretary
2 for Environmental Management and the Deputy Ad-
3 ministrator for Defense Programs shall jointly cer-
4 tify to the congressional defense committees that the
5 operations, infrastructure, and workforce of such
6 project is adequate to carry out the delivery and dis-
7 posal of planned waste shipments relating to the plu-
8 tonium enterprise, as outlined in the critical decision
9 memoranda of the Department of Energy with re-
10 spect to such project.

11 “(2) FAILURE TO CERTIFY.—If the Assistant
12 Secretary for Environmental Management and the
13 Deputy Administrator for Defense Programs fail to
14 make a certification under paragraph (1) by the
15 date specified in such paragraph with respect to a
16 covered project achieving a critical decision mile-
17 stone, the Assistant Secretary and the Deputy Ad-
18 ministrator shall jointly submit to the congressional
19 defense committees, by not later than 30 days after
20 such date, a plan to ensure that the operations, in-
21 frastructure, and workforce of such project will be
22 adequate to carry out the delivery and disposal of
23 planned waste shipments described in such para-
24 graph.

25 “(e) REPORTS.—

1 “(1) REQUIREMENT.—Not later than March 1
2 of each year during the period beginning on the date
3 on which the first covered project achieves critical
4 decision 2 in the acquisition process and ending on
5 the date on which the second project achieves critical
6 decision 4 and begins operations, the Administrator
7 for Nuclear Security shall submit to the congress-
8 sional defense committees a report on the production
9 goals of both covered projects during the first 10
10 years of the operation of the projects.

11 “(2) ELEMENTS.—Each report under para-
12 graph (1) shall include, with respect to the covered
13 projects and the 10 years covered by the report—

14 “(A) the number of war reserve plutonium
15 pits planned to be produced during each year,
16 including the associated warhead type;

17 “(B) a description of risks and challenges
18 to meeting the performance baseline for the
19 projects, as approved in critical decision 2 in
20 the acquisition process;

21 “(C) options available to the Administrator
22 to balance scope, costs, and production require-
23 ments at the projects to decrease overall risk to
24 the plutonium enterprise and enduring pluto-
25 nium pit requirements; and

1 “(D) an explanation of any changes to the
2 production goals or requirements as compared
3 to the report submitted during the previous
4 year.

5 “(f) COVERED PROJECT DEFINED.—In this sub-
6 section, the term ‘covered project’ means—

7 “(1) the Savannah River Plutonium Processing
8 Facility, Savannah River Site, Aiken, South Carolina
9 (Project 21–D–511); or

10 “(2) the Plutonium Pit Production Project, Los
11 Alamos National Laboratory, Los Alamos, New
12 Mexico (Project 21–D–512).”.

13 (b) BRIEFING.—Not later than May 1, 2022, the Ad-
14 ministrator for Nuclear Security and the Director for Cost
15 Estimating and Program Evaluation shall jointly provide
16 to the congressional defense committees a briefing on the
17 ability of the National Nuclear Security Administration to
18 carry out the plutonium enterprise of the Administration,
19 including with respect to the adequacy of the program
20 management staff of the Administration to execute cov-
21 ered projects (as defined in subsection (f) of section 4219
22 of the Atomic Energy Defense Act (50 U.S.C. 2538a), as
23 amended by subsection (a)).

1 **SEC. 3114. REPORT ON RUNIT DOME AND RELATED HAZ-**
2 **ARDS.**

3 (a) REPORT.—

4 (1) AGREEMENT.—The Secretary of the Inte-
5 rior shall seek to enter into an agreement with an
6 entity to prepare a report on—

7 (A) the effects of climate change on the
8 Runit Dome nuclear waste disposal site in
9 Enewetak Atoll, Marshall Islands; and

10 (B) other environmental hazards created
11 by the United States relating to nuclear bomb
12 and other weapons testing in the vicinity of
13 Enewetak Atoll.

14 (2) INDEPENDENT ENTITY.—The Secretary
15 shall select an entity under paragraph (1) that is not
16 part of the Federal Government.

17 (b) MATTERS INCLUDED.—The report under sub-
18 section (a) shall include the following:

19 (1) A detailed scientific analysis of any threats
20 to the environment, and to the health and safety, of
21 the residents of Enewetak Atoll posed by each of—

22 (A) the Runit Dome nuclear waste disposal
23 site;

24 (B) crypts used to contain nuclear waste
25 and other toxins on Enewetak Atoll;

1 (C) radionuclides and other toxins present
2 in the lagoon of Enewetak Atoll, including areas
3 in the lagoon where nuclear waste was dumped;

4 (D) radionuclides and other toxins, includ-
5 ing beryllium, which may be present on the is-
6 lands of Enewetak Atoll as a result of nuclear
7 tests and other activities of the Federal Govern-
8 ment, including tests of chemical and biological
9 warfare agents, rocket tests, contaminated air-
10 craft landing on Enewetak Island, and nuclear
11 cleanup activities;

12 (E) radionuclides and other toxins that
13 may be present in the drinking water on
14 Enewetak Island or in the water source for the
15 desalination plant; and

16 (F) radionuclides and other toxins that
17 may be present in the ground water under and
18 in the vicinity of the Runit Dome nuclear waste
19 disposal site.

20 (2) A detailed scientific analysis of the extent to
21 which rising sea levels, severe weather events, and
22 other effects of climate change might exacerbate any
23 of the threats identified under paragraph (1).

1 (3) A detailed plan, including costs, to relocate
2 all of the nuclear waste and other toxic waste con-
3 tained in—

4 (A) the Runit Dome nuclear waste disposal
5 site;

6 (B) all of the crypts on Enewetak Atoll
7 containing such waste; and

8 (C) the three dumping areas in Enewetak's
9 lagoon to a safe, secure facility to be con-
10 structed in an uninhabited, unincorporated ter-
11 ritory of the United States.

12 (c) MARSHALLESE PARTICIPATION.—The Secretary
13 shall ensure that scientists or other experts selected by
14 the Government of the Marshall Islands are able to par-
15 ticipate in all aspects of the preparation of the report
16 under subsection (a), including, at a minimum, with re-
17 spect to developing the work plan, identifying questions,
18 conducting research, and collecting and interpreting data.

19 (d) SUBMISSION AND PUBLICATION.—

20 (1) FEDERAL REGISTER.—The Secretary shall
21 publish the report under subsection (a) in the Fed-
22 eral Register for public comment for a period of not
23 fewer than 60 days.

24 (2) CONGRESS.—Not later than one year after
25 the date of the enactment of this Act, the Secretary

1 shall submit to Congress the report under subsection
2 (a).

3 (3) PUBLIC AVAILABILITY.—The Secretary
4 shall publish on a publicly available internet website
5 the report under subsection (a) and the results of
6 the public comments pursuant to paragraph (1).

7 **SEC. 3115. UNIVERSITY-BASED NUCLEAR NONPROLIFERA-**
8 **TION COLLABORATION PROGRAM.**

9 Title XLIII of the Atomic Energy Defense Act (50
10 U.S.C. 2565 et seq.) is amended by adding at the end
11 the following new section (and conforming the table of
12 contents accordingly):

13 **“SEC. 4312. UNIVERSITY-BASED DEFENSE NUCLEAR NON-**
14 **PROLIFERATION COLLABORATION PRO-**
15 **GRAM.**

16 “(a) PROGRAM.—The Administrator shall carry out
17 a program under which the Administrator establishes a
18 policy research consortium of institutions of higher edu-
19 cation and nonprofit entities in support of implementing
20 and innovating the defense nuclear nonproliferation pro-
21 grams of the Administration. The Administrator shall es-
22 tablish and carry out such program in a manner similar
23 to the program established under section 4814.

24 “(b) PURPOSES.—The purposes of the consortium
25 under subsection (a) are as follows:

1 “(1) To shape the formulation and application
2 of policy through the conduct of research and anal-
3 ysis regarding defense nuclear nonproliferation pro-
4 grams.

5 “(2) To maintain open-source databases on
6 issues relevant to understanding defense nuclear
7 nonproliferation, arms control, and nuclear security.

8 “(3) To facilitate the collaboration of research
9 centers of excellence relating to defense nuclear non-
10 proliferation to better distribute expertise to specific
11 issues and scenarios regarding such threats.

12 “(c) DUTIES.—

13 “(1) SUPPORT.—The Administrator shall en-
14 sure that the consortium established under sub-
15 section (a) provides support to individuals described
16 in paragraph (2) through the use of nongovern-
17 mental fellowships, scholarships, research intern-
18 ships, workshops, short courses, summer schools,
19 and research grants.

20 “(2) INDIVIDUALS DESCRIBED.—The individ-
21 uals described in this paragraph are graduate stu-
22 dents, academics, and policy specialists, who are fo-
23 cused on policy innovation related to—

24 “(A) defense nuclear nonproliferation;

25 “(B) arms control;

1 “(C) nuclear deterrence;

2 “(D) the study of foreign nuclear pro-
3 grams;

4 “(E) nuclear security; or

5 “(F) educating and training the next gen-
6 eration of defense nuclear nonproliferation pol-
7 icy experts.”.

8 **SEC. 3116. PROHIBITION ON AVAILABILITY OF FUNDS TO**
9 **RECONVERT OR RETIRE W76-2 WARHEADS.**

10 (a) PROHIBITION.—Except as provided in subsection
11 (b), none of the funds authorized to be appropriated by
12 this Act or otherwise made available for fiscal year 2022
13 for the National Nuclear Security Administration may be
14 obligated or expended to reconvert or retire a W76-2 war-
15 head.

16 (b) WAIVER.—The Administrator for Nuclear Secu-
17 rity may waive the prohibition in subsection (a) if the Ad-
18 ministrator, in consultation with the Secretary of Defense,
19 the Director of National Intelligence, and the Chairman
20 of the Joint Chiefs of Staff, certifies to the congressional
21 defense committees that Russia and China do not possess
22 naval capabilities similar to the W76-2 warhead in the
23 active stockpiles of the respective country.

1 **SEC. 3117. DEPARTMENT OF ENERGY STUDY ON THE W80-**
2 **4 NUCLEAR WARHEAD LIFE EXTENSION PRO-**
3 **GRAM.**

4 (a) DEPARTMENT OF ENERGY STUDY.—Not later
5 than 30 days after the date of the enactment of this Act,
6 the Director for Cost Estimation and Program Evaluation
7 shall conduct a study on the W80–4 nuclear warhead life
8 extension program.

9 (b) MATTERS INCLUDED.—The study under sub-
10 section (a) shall include the following:

11 (1) An explanation of the unexpected increase
12 in cost of the W80–4 nuclear warhead life extension
13 program.

14 (2) An analysis of—

15 (A) the future costs of the program; and

16 (B) schedule requirements.

17 (3) An analysis of the impacts on other pro-
18 grams as a result of the additional funding for
19 W80–4, including—

20 (A) life-extension programs;

21 (B) infrastructure programs; and

22 (C) research, development, test, and eval-
23 uation programs.

24 (4) An analysis of the impacts that a delay of
25 the program will have on other programs due to—

1 (A) technical or management challenges;
2 and
3 (B) changes in requirements for the pro-
4 gram.

5 (c) SUBMISSION TO CONGRESS.—Not later than 180
6 days after the date of the enactment of this Act, the Direc-
7 tor shall submit to the congressional defense committees
8 the study under subsection (a), without change.

9 (d) FORM.—The study under subsection (a) shall be
10 in unclassified form, but may include a classified annex.

11 **SEC. 3118. RELEASE OF REVERSIONARY INTEREST IN CER-**
12 **TAIN REAL PROPERTY, SPRINGFIELD, OHIO.**

13 (a) RELEASE OF REVERSIONARY INTEREST AUTHOR-
14 IZED.—Subject to subsection (b), the Secretary of Energy
15 may release, without reimbursement or other consider-
16 ation, a reversionary interest acquired by the United
17 States when the National Nuclear Security Administration
18 made a grant to support the acquisition of real property
19 and construction of infrastructure located at 4170 Allium
20 Court in Springfield, Ohio.

21 (b) CONDITION ON RELEASE.—The authority of the
22 Secretary of Energy to release the reversionary interest
23 described in subsection (a) is conditioned on, and may be
24 exercised only after, the acquisition of title to the real
25 property subject to the reversionary interest by the Com-

1 munity Improvement Corporation of Clark County, a non-
2 profit entity created by the City of Springfield, Ohio,
3 Clark County, Ohio, and the Chamber of Commerce in the
4 County.

5 **TITLE XXXII—DEFENSE NU-**
6 **CLEAR FACILITIES SAFETY**
7 **BOARD**

8 **SEC. 3201. AUTHORIZATION.**

9 There are authorized to be appropriated for fiscal
10 year 2022, \$31,000,000 for the operation of the Defense
11 Nuclear Facilities Safety Board under chapter 21 of the
12 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

13 **SEC. 3202. TECHNICAL AMENDMENTS REGARDING CHAIR**
14 **AND VICE CHAIR OF DEFENSE NUCLEAR FA-**
15 **CILITIES SAFETY BOARD.**

16 Chapter 21 of the Atomic Energy Act of 1954 (42
17 U.S.C. 2286 et seq.) is amended—

18 (1) in section 311 (42 U.S.C. 2286)—

19 (A) in subsection (c)(4), by striking “the
20 office of Chairman” and inserting “the office of
21 the Chair”; and

22 (B) by striking “Chairman” each place it
23 appears (including in the heading of subsection
24 (c)) and inserting “Chair”; and

1 (2) in section 313 (42 U.S.C. 2286b), by strik-
2 ing “Chairman” each place it appears and inserting
3 “Chair”.

4 **TITLE XXXIV—NAVAL**
5 **PETROLEUM RESERVES**

6 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AMOUNT.—There are hereby authorized to be ap-
8 propriated to the Secretary of Energy \$13,650,000 for fis-
9 cal year 2022 for the purpose of carrying out activities
10 under chapter 869 of title 10, United States Code, relating
11 to the naval petroleum reserves.

12 (b) PERIOD OF AVAILABILITY.—Funds appropriated
13 pursuant to the authorization of appropriations in sub-
14 section (a) shall remain available until expended.

15 **TITLE XXXV—MARITIME**
16 **MATTERS**
17 **Subtitle A—Maritime**
18 **Administration**

19 **SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINIS-**
20 **TRATION.**

21 (a) IN GENERAL.—There are authorized to be appro-
22 priated to the Department of Transportation for fiscal
23 year 2022, to be available without fiscal year limitation
24 if so provided in appropriations Acts, for programs associ-

1 ated with maintaining the United States merchant marine,
2 the following amounts:

3 (1) For expenses necessary for operations of the
4 United States Merchant Marine Academy,
5 \$90,532,000, of which—

6 (A) \$85,032,000 shall be for Academy op-
7 erations; and

8 (B) \$5,500,000 shall remain available until
9 expended for capital asset management at the
10 Academy.

11 (2) For expenses necessary to support the State
12 maritime academies, \$358,300,000, of which—

13 (A) \$2,400,000 shall remain available until
14 September 30, 2026, for the Student Incentive
15 Program; and

16 (B) \$30,500,000 shall remain available
17 until expended for maintenance and repair of
18 State maritime academy training vessels.

19 (3) For expenses necessary to support the Na-
20 tional Security Multi-Mission Vessel Program,
21 \$315,600,000, which shall remain available until ex-
22 pended.

23 (4) For expenses necessary to support Maritime
24 Administration operations and programs,
25 \$60,853,000.

1 (5) For expenses necessary to dispose of vessels
2 in the National Defense Reserve Fleet, \$10,000,000,
3 which shall remain available until expended.

4 (6) For expenses necessary to maintain and
5 preserve a United States flag merchant marine to
6 serve the national security needs of the United
7 States under chapter 531 of title 46, United States
8 Code, \$318,000,000.

9 (7) For expenses necessary for the loan guar-
10 antee program authorized under chapter 537 of title
11 46, United States Code, \$33,000,000, of which—

12 (A) \$30,000,000 may be used for the cost
13 (as defined in section 502(5) of the Federal
14 Credit Reform Act of 1990 (2 U.S.C. 661a(5)))
15 of loan guarantees under the program; and

16 (B) \$3,000,000 may be used for adminis-
17 trative expenses relating to loan guarantee com-
18 mitments under the program.

19 (8) For expenses necessary to provide for the
20 Tanker Security Fleet, as authorized under chapter
21 534 of title 46, United States Code, \$60,000,000, to
22 remain available until expended.

23 (9) For expenses necessary to support maritime
24 environmental and technical assistance activities au-
25 thorized under section 50307 of title 46, United

1 States Code, \$6,000,000, of which \$3,000,000 is au-
2 thORIZED to carry out activities related to port and
3 vessel air emission reduction technologies, including
4 zero emissions technologies.

5 (10) For expenses necessary to support marine
6 highway program activities authorized under chapter
7 556 of such title, \$11,000,000.

8 (11) For expenses necessary to provide assist-
9 ance to small shipyards authorized under section
10 54101 of title 46, United States Code, \$20,000,000.

11 (12) For expenses necessary to support port de-
12 velopment activities authorized under subsections (a)
13 and (b) of section 54301 of such title (as added by
14 this title), \$750,000,000.

15 (b) LIMITATION.—No amounts authorized under sub-
16 section (a)(11) may be used to provide a grant to purchase
17 fully automated cargo handling equipment that is remotely
18 operated or remotely monitored with or without the exer-
19 cise of human intervention or control, if the Secretary de-
20 termines such equipment would result in a net loss of jobs
21 within a port or port terminal.

22 (c) SUPPORT FOR NATIONAL MARITIME HERITAGE
23 GRANTS PROGRAM.—Of the funds authorized to be appro-
24 priated by subsection (a)(4), not more than \$10,000,000
25 may be made available to support the National Maritime

1 Heritage Grants Program established under section
2 308703 of title 54, United States Code.

3 **SEC. 3502. MARITIME ADMINISTRATION.**

4 (a) IN GENERAL.—

5 (1) Part A of subtitle V of title 46, United
6 States Code, is amended by inserting before chapter
7 501 the following:

8 **“CHAPTER 500—MARITIME**
9 **ADMINISTRATION**

“Sec.
“50001. Maritime Administration.

10 **“§ 50001. Maritime Administration”.**

11 (2) Section 109 of title 49, United States Code,
12 is redesignated as section 50001 of title 46, United
13 States Code, and transferred to appear in chapter
14 500 of such title (as added by paragraph (1)).

15 (b) CLERICAL AMENDMENTS.—

16 (1) The table of chapters for subtitle V of title
17 46, United States Code, as amended by this title, is
18 further amended by inserting before the item relat-
19 ing to chapter 501 the following:

“500. Maritime Administration50001”.

20 (2) The analysis for chapter 1 of title 49,
21 United States Code, is amended by striking the item
22 relating to section 109.

1 **Subtitle B—Other Matters**

2 **SEC. 3511. EFFECTIVE PERIOD FOR ISSUANCE OF DOCU-**
3 **MENTATION FOR RECREATIONAL VESSELS.**

4 Section 12105(e)(2) of title 46, United States Code,
5 is amended—

6 (1) by striking subparagraphs (A) and (B) and
7 inserting the following:

8 “(A) IN GENERAL.—The owner or operator
9 of a recreational vessel may choose a period of
10 effectiveness of between 1 and 5 years for a cer-
11 tificate of documentation for a recreational ves-
12 sel or the renewal thereof.”; and

13 (2) by redesignating subparagraph (C) as sub-
14 paragraph (B).

15 **SEC. 3512. AMERICA’S MARINE HIGHWAY PROGRAM.**

16 (a) AMERICA’S MARINE HIGHWAY PROGRAM.—Sec-
17 tion 55601 of title 46, United States Code, is amended
18 to read as follows:

19 **“§ 55601. America’s marine highway program**

20 “(a) PROGRAM.—

21 “(1) IN GENERAL.—The Secretary of Transpor-
22 tation shall—

23 “(A) establish a marine highway program
24 to be known as America’s marine highway pro-
25 gram;

1 “(B) designate marine highway routes
2 under subsection (c);

3 “(C) designate marine highway transpor-
4 tation projects under subsection (d); and

5 “(D) subject to the availability of appro-
6 priations, provide assistance under subsection
7 (e).

8 “(2) PROGRAM ACTIVITIES.—In carrying out
9 the marine highway program established under para-
10 graph (1), the Secretary may—

11 “(A) coordinate with ports, State depart-
12 ments of transportation, localities, other public
13 agencies, and the private sector on the develop-
14 ment of landside facilities and infrastructure to
15 support marine highway transportation;

16 “(B) develop performance measures for
17 such marine highway program;

18 “(C) collect and disseminate data for the
19 designation and delineation of marine highway
20 transportation routes under subsection (c); and

21 “(D) conduct research on solutions to im-
22 pediments to marine highway transportation
23 projects designated under subsection (d).

24 “(b) CRITERIA.—Routes designated under subsection
25 (c) and projects designated under subsection (d) shall—

1 “(1) provide a coordinated and capable alter-
2 native to landside transportation;

3 “(2) mitigate or relieve landside congestion; or

4 “(3) promote marine highway transportation.

5 “(c) MARINE HIGHWAY TRANSPORTATION
6 ROUTES.—The Secretary shall designate marine highway
7 transportation routes that meet the criteria established in
8 subsection (b) as extensions of the surface transportation
9 system.

10 “(d) PROJECT DESIGNATION.—The Secretary may
11 designate a project that meets the criteria established in
12 subsection (b) to be a marine highway transportation
13 project if the Secretary determines that such project uses
14 vessels documented under chapter 121 and—

15 “(1) develops, expands or promotes—

16 “(A) marine highway transportation serv-
17 ices;

18 “(B) shipper utilization of marine highway
19 transportation; or

20 “(C) port and landside infrastructure for
21 which assistance is not available under section
22 54301; or

23 “(2) implements strategies developed under sec-
24 tion 55603.

25 “(e) ASSISTANCE.—

1 “(1) IN GENERAL.—The Secretary may make
2 grants, or enter into contracts or cooperative agree-
3 ments, to implement projects or components of a
4 project designated under subsection (d).

5 “(2) APPLICATION.—To receive a grant or
6 enter into a contract or cooperative agreement under
7 the program, an applicant shall—

8 “(A) submit an application to the Sec-
9 retary in such form and manner, at such time,
10 and containing such information as the Sec-
11 retary may require; and

12 “(B) demonstrate to the satisfaction of the
13 Secretary that—

14 “(i) the project is financially viable;

15 “(ii) the funds or other assistance re-
16 ceived will be spent or used efficiently and
17 effectively; and

18 “(iii) a market exists for the services
19 of the proposed project, as evidenced by
20 contracts or written statements of intent
21 from potential customers.

22 “(3) NON-FEDERAL SHARE.—An applicant shall
23 provide at least 20 percent of the project costs from
24 non-Federal sources. In awarding grants or entering
25 in contracts or cooperative agreements under this

1 subsection, the Secretary shall give a preference to
2 those projects or components that present the most
3 financially viable transportation services and require
4 the lowest percentage Federal share of the costs.”.

5 (b) MULTISTATE, STATE, AND REGIONAL TRANSPOR-
6 TATION PLANNING.—Chapter 556 of title 46, United
7 States Code, is amended by inserting after section 55602
8 the following:

9 **“§ 55603. Multistate, State, and regional transpor-**
10 **tation planning**

11 “(a) IN GENERAL.—The Secretary, in consultation
12 with Federal entities, State and local governments, and
13 the private sector, may develop strategies to encourage the
14 use of marine highways transportation for transportation
15 of passengers and cargo.

16 “(b) STRATEGIES.—In developing the strategies de-
17 scribed in subsection (a), the Secretary may—

18 “(1) assess the extent to which States and local
19 governments include marine highway transportation
20 and other marine transportation solutions in trans-
21 portation planning;

22 “(2) encourage State departments of transpor-
23 tation to develop strategies, where appropriate, to
24 incorporate marine highway transportation, ferries,
25 and other marine transportation solutions for re-

1 regional and interstate transport of freight and pas-
2 sengers in transportation planning; and

3 “(3) encourage groups of States and multi-
4 State transportation entities to determine how ma-
5 rine highways can address congestion, bottlenecks,
6 and other interstate transportation challenges.”.

7 (c) CLERICAL AMENDMENTS.—The analysis for
8 chapter 556 of title 46, United States Code, is amended—

9 (1) by striking the item relating to section
10 55601 and inserting the following:

“55601. America’s marine highway program.”; and

11 (2) by inserting after the item relating to sec-
12 tion 55602 the following:

“55603. Multistate, State, and regional transportation planning.”.

13 **SEC. 3513. COMMITTEES ON MARITIME MATTERS.**

14 (a) IN GENERAL.—

15 (1) Chapter 555 of title 46, United States
16 Code, is redesignated as chapter 504 of such title
17 and transferred to appear after chapter 503 of such
18 title.

19 (2) Chapter 504 of such title, as redesignated
20 by paragraph (1), is amended in the chapter heading
21 by striking “**MISCELLANEOUS**” and inserting
22 “**COMMITTEES**”.

23 (3) Sections 55501 and 55502 of such title are
24 redesignated as section 50401 and section 50402,

1 respectively, of such title and transferred to appear
 2 in chapter 504 of such title (as redesignated by
 3 paragraph (1)).

4 (4) The section heading for section 50401 of
 5 such title, as redesignated by paragraph (3), is
 6 amended to read as follows: “UNITED STATES COM-
 7 MITTEE ON THE MARINE TRANSPORTATION SYS-
 8 TEM”.

9 (b) CONFORMING AMENDMENT.—Section 8332(b)(1)
 10 of the Elijah E. Cummings Coast Guard Authorization
 11 Act of 2020 (division G of the William M. (Mac) Thorn-
 12 berry National Defense Authorization Act for Fiscal Year
 13 2021 (Public Law 116–283)) is amended by striking “sec-
 14 tion 55502” and inserting “section 50402”.

15 (c) CLERICAL AMENDMENTS.—

16 (1) The analysis for chapter 504 of title 46,
 17 United States Code, as redesignated by subsection
 18 (a)(1), is amended to read as follows:

“CHAPTER 504—COMMITTEES

“Sec.

“50401. United States Committee on the Marine Transportation System.

“50402. Maritime Transportation System National Advisory Committee.”.

19 (2) The table of chapters for subtitle V of title
 20 46, United States Code, is amended—

21 (A) by inserting after the item relating to
 22 chapter 503 the following:

“504. Committees50401”; and

1 (B) by striking the item relating to chapter
2 555.

3 **SEC. 3514. PORT INFRASTRUCTURE DEVELOPMENT PRO-**
4 **GRAM.**

5 (a) IN GENERAL.—

6 (1) Part C of subtitle V of title 46, United
7 States Code, is amended by adding at the end the
8 following:

9 **“CHAPTER 543—PORT INFRASTRUCTURE**
10 **DEVELOPMENT PROGRAM**

“Sec.

“54301. Port infrastructure development program.

11 **“§ 54301. Port infrastructure development program”.**

12 (2) Subsections (c), (d), and (e) of section
13 50302 of such title are redesignated as subsections
14 (a), (b), and (c) of section 54301 of such title, re-
15 spectively, and transferred to appear in chapter 543
16 of such title (as added by paragraph (1)).

17 (b) AMENDMENTS TO SECTION 54301.—Section
18 54301 of such title, as redesignated by subsection (a)(2),
19 is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (2) by striking “or sub-
22 section (d)” and inserting “or subsection (b)”;

23 (B) in paragraph (3)(A)(ii)—

1 (i) in subclause (II) by striking “; or”
2 and inserting a semicolon; and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(IV) emissions mitigation meas-
6 ures directly related to reducing the
7 overall carbon footprint from port op-
8 erations; or”;

9 (C) in paragraph (5)—

10 (i) in subparagraph (A) by striking
11 “or subsection (d)” and inserting “or sub-
12 section (b)”;

13 (ii) in subparagraph (B) by striking
14 “subsection (d)” and inserting “subsection
15 (b)”;

16 (D) in paragraph (6)—

17 (i) in subparagraph (A)(i)—

18 (I) by striking “movement of
19 goods through a port or intermodal
20 connection to a port” and inserting
21 “movement of—”; and

22 (II) by adding at the end the fol-
23 lowing new subclauses:

24 “(I) goods through a port or
25 intermodal connection to a port; or

1 “(II) passengers through an
2 emission mitigation measure under
3 paragraph (3)(A)(ii)(IV) that provides
4 for the use of shore power for vessels
5 to which sections 3507 and 3508
6 apply.”; and

7 (ii) in subparagraph (B)—

8 (I) in clause (i) by striking “;
9 and” and inserting a semicolon;

10 (II) in clause (ii) by striking the
11 period and inserting “; and”; and

12 (III) by adding at the end the
13 following:

14 “(iii) projects that increase the port’s
15 resilience to sea-level rise, flooding, ex-
16 treme weather events, including events as-
17 sociated with climate change.”;

18 (E) in paragraph (7)—

19 (i) in subparagraph (B), by striking
20 “subsection (d)” in each place it appears
21 and inserting “subsection (b)”;

22 (ii) in subparagraph (C) by striking
23 “subsection (d)(3)(A)(ii)(III)” and insert-
24 ing “subsection (b)(3)(A)(ii)(III)”;

25 (F) in paragraph (8)—

1 (i) in subparagraph (A) by striking
2 “or subsection (d)” and inserting “or sub-
3 section (b)”;

4 (ii) in subparagraph (B)—

5 (I) in clause (i) by striking “sub-
6 section (d)” and inserting “subsection
7 (b)”;

8 (II) in clause (ii) by striking
9 “subsection (d)” and inserting “sub-
10 section (b)”;

11 (G) in paragraph (9) by striking “sub-
12 section (d)” and inserting “subsection (b)”;

13 (H) in paragraph (10) by striking “sub-
14 section (d)” and inserting “subsection (b)”;

15 (I) in paragraph (12)—

16 (i) by striking “subsection (d)” and
17 inserting “subsection (b)”;

18 (ii) by adding at the end the fol-
19 lowing:

20 “(D) RESILIENCE.—The term ‘resilience’
21 means the ability to anticipate, prepare for,
22 adapt to, withstand, respond to, and recover
23 from operational disruptions and sustain critical
24 operations at ports, including disruptions
25 caused by natural or manmade hazards.

1 “(E) CARBON FOOTPRINT.—The term
2 ‘carbon footprint’ means the total carbon-based
3 pollutants, products, and any greenhouse gases
4 that are emitted into the atmosphere resulting
5 from the consumption of fossil fuels.

6 “(F) CLIMATE CHANGE.—The term ‘cli-
7 mate change’ means detectable changes in 1 or
8 more climate system components over multiple
9 decades, including—

10 “(i) changes in the average tempera-
11 ture of the atmosphere or ocean;

12 “(ii) changes in regional precipitation,
13 winds, and cloudiness; and

14 “(iii) changes in the severity or dura-
15 tion of extreme weather, including
16 droughts, floods, and storms.”;

17 (2) in subsection (b)—

18 (A) in the subsection heading by striking
19 “INLAND” and inserting “INLAND RIVER”;

20 (B) in paragraph (1) by striking “sub-
21 section (c)(7)(B)” and inserting “subsection
22 (a)(7)(B)”;

23 (C) in paragraph (3)(A)(ii)(III) by striking
24 “subsection (c)(3)(B)” and inserting “sub-
25 section (a)(3)(B)”;

1 (D) in paragraph (5)(A) by striking “sub-
 2 section (c)(8)(B)” and inserting “subsection
 3 (a)(8)(B)”;

4 (3) in subsection (c)—

5 (A) by striking “subsection (c) or sub-
 6 section (d)” and inserting “subsection (a) or
 7 subsection (b)”;

8 (B) by striking “subsection (c)(2)” and in-
 9 serting “subsection (a)(2)”.

10 (c) CLERICAL AMENDMENTS.—The table of chapters
 11 for subtitle V of title 46, United States Code, as amended
 12 by this title, is further amended by inserting after the item
 13 relating to chapter 541 the following:

“543. Port Infrastructure Development Program54301”.

14 **SEC. 3515. USES OF EMERGING MARINE TECHNOLOGIES**
 15 **AND PRACTICES.**

16 Section 50307 of title 46, United States Code, is
 17 amended—

18 (1) by redesignating subsection (e) as sub-
 19 section (f);

20 (2) by inserting after subsection (d) the fol-
 21 lowing:

22 “(e) USES.—The results of activities conducted under
 23 subsection (b)(1) shall be used to inform—

24 “(1) the policy decisions of the United States
 25 related to domestic regulations; and

1 “(2) the position of the United States on mat-
2 ters before the International Maritime Organiza-
3 tion.”; and

4 (3) by adding at the end the following:

5 “(g) AIR EMISSIONS DEFINED.—In this section, the
6 term ‘air emissions’ means release into the air of—

7 “(1) air pollutants, as such term is defined in
8 section 302 of the Clean Air Act (42 U.S.C. 7602);
9 or

10 “(2) gases listed in section 731(2) of the Global
11 Environmental Protection Assistance Act of 1989
12 (22 U.S.C. 7901(2)).”.

13 **SEC. 3516. PROHIBITION ON PARTICIPATION OF LONG**
14 **TERM CHARTERS IN TANKER SECURITY**
15 **FLEET.**

16 (a) DEFINITION OF LONG TERM CHARTER.—Section
17 53401 of title 46, United States Code, is amended by add-
18 ing at the end the following new paragraph:

19 “(8) LONG TERM CHARTER.—The term ‘long
20 term charter’ means any time charter of a product
21 tank vessel to the United States Government that
22 together with options is for more than 180 days.”.

23 (b) PARTICIPATION OF LONG TERM CHARTERS IN
24 TANKER SECURITY FLEET.—Section 53404(b) of such
25 title is amended—

- 1 (1) by striking “The program participant of a”
2 and inserting “Any”;
3 (2) by inserting “long term” before “charter”;
4 (3) by inserting “not” before “eligible”; and
5 (4) by striking “receive payments pursuant to
6 any operating agreement that covers such vessel”
7 and inserting “participate in the Fleet”.

8 **SEC. 3517. COASTWISE ENDORSEMENT.**

9 Notwithstanding sections 12112 of title 46, United
10 States Code, the Secretary of the department in which the
11 Coast Guard is operating may issue a certificate of docu-
12 mentation with a coastwise endorsement for the vessel
13 WIDGEON (United States official number 1299656).

14 **SEC. 3518. REPORT ON EFFORTS OF COMBATANT COM-**
15 **MANDS TO COMBAT THREATS POSED BY IL-**
16 **LEGAL, UNREPORTED, AND UNREGULATED**
17 **FISHING.**

18 (a) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of the Navy, in consultation with the Director of the Office
21 of Naval Research and the heads of other relevant agen-
22 cies, as determined by the Secretary, shall submit to the
23 Committee on Armed Services, the Committee on Com-
24 merce, Science, and Transportation, the Committee on
25 Foreign Relations, and the Committee on Appropriations

1 of the Senate and the Committee on Armed Services, the
2 Committee on Natural Resources, the Committee on
3 Transportation and Infrastructure, the Committee on
4 Foreign Affairs, and the Committee on Appropriations of
5 the House of Representatives a report on the combatant
6 commands' maritime domain awareness efforts to combat
7 the threats posed by illegal, unreported, and unregulated
8 fishing.

9 (b) CONTENTS OF REPORT.—The report required by
10 subsection (a) shall include a detailed summary of each
11 of the following for each combatant command:

12 (1) The activities undertaken to date to combat
13 the threats posed by illegal, unreported, and unregu-
14 lated fishing in the geographic area of the combat-
15 ant command, including the steps taken to build
16 partner capacity to combat such threats.

17 (2) Coordination with the Armed Forces of the
18 United States, partner nations, and public-private
19 partnerships to combat such threats.

20 (3) Efforts undertaken to support unclassified
21 data integration, analysis, and delivery with regional
22 partners to combat such threats.

23 (4) Best practices and lessons learned from ex-
24 isting and previous efforts relating to such threats,

1 including strategies for coordination and successes in
2 public-private partnerships.

3 (5) Limitations related to affordability, resource
4 constraints, or other gaps or factors that constrain
5 the success or expansion of efforts related to such
6 threats.

7 (6) Any new authorities needed to support ef-
8 forts to combat the threats posed by illegal, unre-
9 ported, and unregulated fishing.

10 (c) FORM OF REPORT.—The report required by sub-
11 section (a) shall be submitted in unclassified form, but
12 may include a classified annex.

13 **SEC. 3519. COAST GUARD YARD IMPROVEMENT.**

14 Of the amounts authorized to be appropriated under
15 section 4902(2)(A)(ii) of title 14, United States Code, for
16 fiscal year 2022, \$175,000,000 shall be made available to
17 the Commandant to improve facilities at the Coast Guard
18 Yard in Baltimore, Maryland, including improvements to
19 dock, dry dock, capital equipment improvements, or dredg-
20 ing necessary to facilitate access to such Yard.

1 **SEC. 3520. AUTHORIZATION TO PURCHASE DUPLICATE**
2 **MEDALS.**

3 (a) **IN GENERAL.**—The Secretary of Transportation,
4 acting through the Administrator of the Maritime Admin-
5 istration, may use funds appropriated for the fiscal year
6 in which the date of the enactment of this Act occurs, or
7 funds appropriated for any prior fiscal year, for the Mari-
8 time Administration to purchase duplicate medals author-
9 ized under the Merchant Mariners of World War II Con-
10 gressional Gold Medal Act of 2020 (Public Law 116–125)
11 and provide such medals to eligible individuals who en-
12 gaged in qualified service who submit an application under
13 subsection (b) and were United States merchant mariners
14 of World War II.

15 (b) **APPLICATION.**—To be eligible to receive a medal
16 described in subsection (a), an eligible individual who en-
17 gaged in qualified service shall submit to the Adminis-
18 trator an application containing such information and as-
19 surances as the Administrator may require.

20 (c) **ELIGIBLE INDIVIDUAL WHO ENGAGED IN QUALI-**
21 **FIED SERVICE.**—In this section, the term “eligible indi-
22 vidual who engaged in qualified service” means an indi-
23 vidual who, between December 7, 1941, and December 31,
24 1946—

25 (1) was a member of the United States mer-
26 chant marine, including the Army Transport Service

1 and the Navy Transport Service, serving as a crew-
2 member of a vessel that was—

3 (A) operated by the War Shipping Admin-
4 istration, the Office of Defense Transportation,
5 or an agent of such departments;

6 (B) operated in waters other than inland
7 waters, the Great Lakes, and other lakes, bays,
8 or harbors of the United States;

9 (C) under contract or charter to, or prop-
10 erty of, the Government of the United States;
11 and

12 (D) serving in the Armed Forces; and

13 (2) while so serving, was licensed or otherwise
14 documented for service as a crewmember of such a
15 vessel by an officer or employee of the United States
16 authorized to license or document the person for
17 such service.

18 **DIVISION D—FUNDING TABLES**

19 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 20 **BLES.**

21 (a) **AUTHORIZATION.**—Whenever a funding table in
22 this division specifies a dollar amount authorized for a
23 project, program, or activity, the obligation and expendi-
24 ture of the specified dollar amount for the project, pro-

1 gram, or activity is hereby authorized, subject to the avail-
2 ability of appropriations.

3 (b) MERIT-BASED DECISIONS.—

4 (1) IN GENERAL.—A decision to commit, obli-
5 gate, or expend funds with or to a specific entity on
6 the basis of a dollar amount authorized pursuant to
7 subsection (a) shall—

8 (A) except as provided in paragraph (2),
9 be based on merit-based selection procedures in
10 accordance with the requirements of sections
11 2304(k) and 2374 of title 10, United States
12 Code, or on competitive procedures; and

13 (B) comply with other applicable provisions
14 of law.

15 (2) EXCEPTION.—Paragraph (1)(A) does not
16 apply to a decision to commit, obligate, or expend
17 funds on the basis of a dollar amount authorized
18 pursuant to subsection (a) if the project, program,
19 or activity involved—

20 (A) is listed in section 4201; and

21 (B) is identified as Community Project
22 Funding through the inclusion of the abbrevia-
23 tion “CPF” immediately before the name of the
24 project, program, or activity.

1 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
 2 MING AUTHORITY.—An amount specified in the funding
 3 tables in this division may be transferred or repro-
 4 grammed under a transfer or reprogramming authority
 5 provided by another provision of this Act or by other law.
 6 The transfer or reprogramming of an amount specified in
 7 such funding tables shall not count against a ceiling on
 8 such transfers or reprogrammings under section 1001 or
 9 section 1512 of this Act or any other provision of law,
 10 unless such transfer or reprogramming would move funds
 11 between appropriation accounts.

12 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
 13 section applies to any classified annex that accompanies
 14 this Act.

15 (e) ORAL AND WRITTEN COMMUNICATIONS.—No
 16 oral or written communication concerning any amount
 17 specified in the funding tables in this division shall super-
 18 sede the requirements of this section.

19 **TITLE XLI—PROCUREMENT**

20 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	House Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
001	UTILITY F/W AIRCRAFT		20,000
	Avionics upgrade		[20,000]
004	SMALL UNMANNED AIRCRAFT SYSTEM	16,005	16,005
ROTARY			
007	AH-64 APACHE BLOCK IIIA REMAN	504,136	494,136
	Unit cost growth		[-10,000]
008	AH-64 APACHE BLOCK IIIA REMAN AP	192,230	192,230
010	UH-60 BLACKHAWK M MODEL (MYP)	630,263	793,763
	UH-60 Blackhawk for Army Guard		[211,500]
	Unit cost growth		[-48,000]
011	UH-60 BLACKHAWK M MODEL (MYP) AP	146,068	146,068
012	UH-60 BLACK HAWK L AND V MODELS	166,205	166,205

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
013	CH-47 HELICOPTER	145,218	397,218
	Army UPL		[111,100]
	Program increase—F Block II Army UPL		[140,900]
014	CH-47 HELICOPTER AP	18,559	47,559
	Program increase—F Block II		[29,000]
MODIFICATION OF AIRCRAFT			
017	GRAY EAGLE MODS2	3,143	33,143
	Recapitalization of MQ-1 aircraft to extended range Multi Domain Operations configuration.		[30,000]
018	MULTI SENSOR ABN RECON	127,665	115,910
	ABN ISR Mods—insufficient justification		[-4,000]
	ARL Payloads—MEP SIL reduction		[-3,000]
	Unjustified cost—spares		[-4,755]
019	AH-64 MODS	118,560	113,560
	Unjustified cost—Spike NLOS integration		[-5,000]
020	CH-47 CARGO HELICOPTER MODS (MYP)	9,918	9,918
021	GRCS SEMA MODS	2,762	2,762
022	ARL SEMA MODS	9,437	9,437
023	EMARSS SEMA MODS	1,568	1,568
024	UTILITY/CARGO AIRPLANE MODS	8,530	8,530
025	UTILITY HELICOPTER MODS	15,826	51,826
	Program increase		[11,000]
	UH-72 modernization		[25,000]
026	NETWORK AND MISSION PLAN	29,206	29,206
027	COMMS, NAV SURVEILLANCE	58,117	58,117
029	AVLATION ASSURED PNT	47,028	45,862
	Excess to need		[-1,166]
030	GATM ROLLUP	16,776	16,776
032	UAS MODS	3,840	3,840
GROUND SUPPORT AVIONICS			
033	AIRCRAFT SURVIVABILITY EQUIPMENT	64,561	64,561
034	SURVIVABILITY CM	5,104	5,104
035	CMWS	148,570	148,570
036	COMMON INFRARED COUNTERMEASURES (CIRCM)	240,412	240,412
OTHER SUPPORT			
038	COMMON GROUND EQUIPMENT	13,561	13,561
039	AIRCREW INTEGRATED SYSTEMS	41,425	41,425
040	AIR TRAFFIC CONTROL	21,759	21,759
	TOTAL AIRCRAFT PROCUREMENT, ARMY	2,806,452	3,309,031
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
002	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SEN	35,473	35,473
003	M-SHORAD—PROCUREMENT	331,575	331,575
004	MSE MISSILE	776,696	776,696
005	PRECISION STRIKE MISSILE (PRSM)	166,130	166,130
006	INDIRECT FIRE PROTECTION CAPABILITY INC 2-I	25,253	20,253
	Maintain level of effort		[-5,000]
AIR-TO-SURFACE MISSILE SYSTEM			
007	HELLFIRE SYS SUMMARY	118,800	115,800
	Unit cost growth		[-3,000]
008	JOINT AIR-TO-GROUND MSLS (JAGM)	152,177	214,177
	Army UPL		[67,000]
	Unit cost growth		[-5,000]
009	LONG RANGE PRECISION MUNITION	44,744	40,744
	Early to need		[-4,000]
ANTI-TANK/ASSAULT MISSILE SYS			
010	JAVELIN (AAWS-M) SYSTEM SUMMARY	120,842	130,842
	Early to need		[-5,000]
	JAVELIN Lightweight Command Launch Units (LWCLU)—Army UPL		[15,000]
011	TOW 2 SYSTEM SUMMARY	104,412	102,412
	Excess to need		[-2,000]
012	GUIDED MLRS ROCKET (GMLRS)	935,917	975,917
	Army UPL		[20,000]
	Previously funded		[-30,000]
	Program increase—Army UPL		[50,000]
013	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	29,574	29,574
014	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	128,438	128,438
016	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	68,278	68,278
MODIFICATIONS			
017	PATRIOT MODS	205,469	205,469
021	AVENGER MODS	11,227	11,227
022	ITAS/TOW MODS	4,561	4,561
023	MLRS MODS	273,856	273,856
024	HIMARS MODIFICATIONS	7,192	7,192
SPARES AND REPAIR PARTS			
025	SPARES AND REPAIR PARTS	5,019	5,019
SUPPORT EQUIPMENT & FACILITIES			

1930

SEC. 4101. PROCUREMENT (In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
026	AIR DEFENSE TARGETS	10,618	10,618
	TOTAL MISSILE PROCUREMENT, ARMY	3,556,251	3,654,251
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	ARMORED MULTI PURPOSE VEHICLE (AMPV)	104,727	104,727
002	ASSAULT BREACHER VEHICLE (ABV)	16,454	16,454
003	MOBILE PROTECTED FIREPOWER	286,977	286,977
	MODIFICATION OF TRACKED COMBAT VEHICLES		
005	STRYKER UPGRADE	1,005,028	1,120,028
	Excess growth		[-24,000]
	Program increase		[139,000]
006	BRADLEY PROGRAM (MOD)	461,385	564,704
	Program increase		[46,350]
	Program increase for IBAS—Army UPL		[56,969]
007	M109 FOV MODIFICATIONS	2,534	2,534
008	PALADIN INTEGRATED MANAGEMENT (PIM)	446,430	673,430
	Program increase		[77,515]
	Program increase Army UPL		[149,485]
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	52,059	52,059
010	ASSAULT BRIDGE (MOD)	2,136	2,136
013	JOINT ASSAULT BRIDGE	110,773	110,773
	Cost growth		[-4,000]
	Program increase		[4,000]
015	ABRAMS UPGRADE PROGRAM	981,337	1,350,337
	Army UPL		[234,457]
	Excess carryover		[-40,457]
	Program increase		[175,000]
016	VEHICLE PROTECTION SYSTEMS (VPS)	80,286	80,286
	WEAPONS & OTHER COMBAT VEHICLES		
018	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	31,623	31,623
019	MORTAR SYSTEMS	37,485	50,338
	Mortar cannons—Army UPL		[12,853]
020	XM320 GRENADE LAUNCHER MODULE (GLM)	8,666	8,666
021	PRECISION SNIPER RIFLE	11,040	11,040
023	CARBINE	4,434	4,434
024	NEXT GENERATION SQUAD WEAPON	97,087	97,087
026	HANDGUN	4,930	4,930
	MOD OF WEAPONS AND OTHER COMBAT VEH		
027	MK-19 GRENADE MACHINE GUN MODS	13,027	13,027
028	M777 MODS	21,976	23,771
	S/W Defined Radio-Hardware Integration kits—Army UPL		[1,795]
030	M2 50 CAL MACHINE GUN MODS	3,612	21,527
	M2A1 machine guns—Army UPL		[17,915]
	SUPPORT EQUIPMENT & FACILITIES		
036	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	1,068	1,068
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	90,819	90,819
	TOTAL PROCUREMENT OF W&TCV, ARMY	3,875,893	4,722,775
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	47,490	79,890
	Program increase		[16,480]
	Small Caliber Ammo—Army UPL		[15,920]
002	CTG, 7.62MM, ALL TYPES	74,870	103,343
	Program increase		[28,473]
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	76,794	76,794
004	CTG, HANDGUN, ALL TYPES	7,812	7,812
005	CTG, .50 CAL, ALL TYPES	29,716	58,116
	Program increase		[28,400]
006	CTG, 20MM, ALL TYPES	4,371	4,371
008	CTG, 30MM, ALL TYPES	34,511	34,511
009	CTG, 40MM, ALL TYPES	35,231	49,231
	Medium Caliber Ammo—Army UPL		[14,000]
	MORTAR AMMUNITION		
010	60MM MORTAR, ALL TYPES	23,219	23,219
011	81MM MORTAR, ALL TYPES	52,135	52,135
012	120MM MORTAR, ALL TYPES	104,144	104,144
	TANK AMMUNITION		
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	224,503	218,503
	Early to need		[-6,000]
	ARTILLERY AMMUNITION		
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	26,709	54,753
	Army UPL		[30,844]
	Prior-year carryover		[-2,800]
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	174,015	148,015
	Prior-year carryover		[-26,000]
016	PROJ 155MM EXTENDED RANGE M982	73,498	61,498

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
	Unit cost growth		[-12,000]
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	150,873	150,873
	MINES		
018	MINES & CLEARING CHARGES, ALL TYPES	25,980	20,980
	Excess to need		[-5,000]
019	CLOSE TERRAIN SHAPING OBSTACLE	34,761	29,761
	Contract Delay		[-5,000]
	ROCKETS		
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	24,408	22,408
	Excess to need		[-2,000]
021	ROCKET, HYDRA 70, ALL TYPES	109,536	123,336
	Program increase		[13,800]
	OTHER AMMUNITION		
022	CAD/PAD, ALL TYPES	6,549	6,549
023	DEMOLITION MUNITIONS, ALL TYPES	27,904	27,904
024	GRENADES, ALL TYPES	37,437	37,437
025	SIGNALS, ALL TYPES	7,530	7,530
026	SIMULATORS, ALL TYPES	8,350	8,350
027	REACTIVE ARMOR TILES	17,755	17,755
	MISCELLANEOUS		
028	AMMO COMPONENTS, ALL TYPES	2,784	2,784
029	ITEMS LESS THAN \$5 MILLION (AMMO)	17,797	17,797
030	AMMUNITION PECULIAR EQUIPMENT	12,290	12,290
031	FIRST DESTINATION TRANSPORTATION (AMMO)	4,331	4,331
032	CLOSEOUT LIABILITIES	99	99
	PRODUCTION BASE SUPPORT		
034	INDUSTRIAL FACILITIES	538,120	642,620
	Demo/Environmental remediation (RAAP)—Army UPL		[40,000]
	Environmental, Safety, Construction, Maintenance and Repair GOCO—Army UPL		[40,000]
	Pyrotechnics Energetic Capability (LCAAP)—Army UPL		[12,000]
	Solvent Propellant Facility (RAAP)—Army UPL		[12,500]
035	CONVENTIONAL MUNITIONS DEMILITARIZATION	139,410	232,410
	Program increase		[93,000]
036	ARMS INITIATIVE	3,178	3,178
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	2,158,110	2,444,727
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	12,539	18,931
	M872A4 trailer—Army UPL		[6,392]
003	SEMITRAILERS, TANKERS	17,985	17,985
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	60,706	60,706
005	GROUND MOBILITY VEHICLES (GMV)	29,807	44,807
	Program increase for ISV		[15,000]
008	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	574,562	605,562
	Early to need		[-89,000]
	Program increase		[120,000]
009	TRUCK, DUMP, 20T (CCE)	9,882	29,382
	Heavy Dump, M917A3		[10,000]
	Program increase		[9,500]
010	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	36,885	76,885
	Program Increase		[40,000]
011	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	16,450	13,823
	Cost growth		[-2,627]
012	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	26,256	26,256
013	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	64,282	64,282
014	PLS ESP	16,943	16,943
015	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV		109,000
	Program increase		[109,000]
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	17,957	17,957
018	MODIFICATION OF IN SVC EQUIP	29,349	212,650
	HMMWV modifications		[183,301]
	NON-TACTICAL VEHICLES		
020	PASSENGER CARRYING VEHICLES	1,232	1,232
021	NONTACTICAL VEHICLES, OTHER	24,246	19,246
	Excess carryover		[-5,000]
	COMM—JOINT COMMUNICATIONS		
022	SIGNAL MODERNIZATION PROGRAM	140,036	140,036
023	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	436,524	429,024
	Excess to need		[-7,500]
025	DISASTER INCIDENT RESPONSE COMMS TERMINAL	3,863	3,863
026	JCSE EQUIPMENT (USRDECOM)	4,845	4,845
	COMM—SATELLITE COMMUNICATIONS		
029	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	97,369	97,369
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	120,550	115,550
	Early to need		[-5,000]
031	SHF TERM	38,129	38,129

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Line	Item	FY 2022 Request	House Authorized
032	ASSURED POSITIONING, NAVIGATION AND TIMING	115,291	112,791
	Excess to need		[-2,500]
033	SMART-T (SPACE)	15,407	15,407
034	GLOBAL BRDCST SVC—GBS	2,763	2,763
	COMM—C3 SYSTEM		
037	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	99,858	99,858
	COMM—COMBAT COMMUNICATIONS		
038	HANDHELD MANPACK SMALL FORM FIT (HMS)	775,069	730,069
	Cost deviation		[-5,000]
	Single Channel Data Radio program decrease		[-35,000]
	Support cost excess to need		[-5,000]
040	ARMY LINK 16 SYSTEMS	17,749	17,749
042	UNIFIED COMMAND SUITE	17,984	17,984
043	COTS COMMUNICATIONS EQUIPMENT	191,702	185,702
	Unit cost growth		[-6,000]
044	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	15,957	15,957
045	ARMY COMMUNICATIONS & ELECTRONICS	89,441	79,441
	Insufficient justification		[-10,000]
	COMM—INTELLIGENCE COMM		
047	CI AUTOMATION ARCHITECTURE-INTEL	13,317	13,317
048	DEFENSE MILITARY DECEPTION INITIATIVE	5,207	5,207
049	MULTI-DOMAIN INTELLIGENCE	20,095	20,095
	INFORMATION SECURITY		
051	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	987	987
052	COMMUNICATIONS SECURITY (COMSEC)	126,273	126,273
053	DEFENSIVE CYBER OPERATIONS	27,389	31,489
	Cybersecurity / IT network mapping		[4,100]
056	SIO CAPABILITY	21,303	21,303
057	BIOMETRIC ENABLING CAPABILITY (BEC)	914	914
	COMM—LONG HAUL COMMUNICATIONS		
059	BASE SUPPORT COMMUNICATIONS	9,209	24,209
	Land Mobile Radios		[15,000]
	COMM—BASE COMMUNICATIONS		
060	INFORMATION SYSTEMS	219,026	219,026
061	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,875	4,875
064	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	223,001	225,041
	EUCOM—MPE USAREUR		[2,040]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
067	JTT/CIBS-M	5,463	5,463
068	TERRESTRIAL LAYER SYSTEMS (TLS)	39,240	39,240
070	DCGS-A-INTEL	92,613	114,563
	Army UPL		[26,950]
	Program decrease		[-5,000]
071	JOINT TACTICAL GROUND STATION (JTAGS)-INTEL	8,088	8,088
072	TROJAN	30,828	30,828
073	MOD OF IN-SVC EQUIP (INTEL SPT)	39,039	39,039
074	BIOMETRIC TACTICAL COLLECTION DEVICES	11,097	11,097
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	783	783
077	AIR VIGILANCE (AV)	13,486	10,986
	Program decrease		[-2,500]
079	FAMILY OF PERSISTENT SURVEILLANCE CAP	14,414	14,414
080	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	19,111	19,111
081	CI MODERNIZATION	421	421
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
082	SENTINEL MODS	47,642	47,642
083	NIGHT VISION DEVICES	1,092,341	828,875
	IVAS program delay		[-213,466]
	Transfer to RDT&E, Army line 98		[-50,000]
084	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	21,103	21,103
085	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	6,153	6,153
086	FAMILY OF WEAPON SIGHTS (FWS)	184,145	184,145
087	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	2,371	2,371
088	FORWARD LOOKING INFRARED (IFLIR)	11,929	11,929
089	COUNTER SMALL UNMANNED AERIAL SYSTEM (C-SUAS)	60,058	60,058
090	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	263,661	259,661
	Excess carryover		[-4,000]
091	JOINT EFFECTS TARGETING SYSTEM (JETS)	62,082	62,082
093	COMPUTER BALLISTICS: LHMCB XM32	2,811	2,811
094	MORTAR FIRE CONTROL SYSTEM	17,236	17,236
095	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	2,830	2,830
096	COUNTERFIRE RADARS	31,694	26,694
	Excess to need		[-5,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
097	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (.....	49,410	49,410
098	FIRE SUPPORT C2 FAMILY	9,853	9,853
099	AIR & MSL DEFENSE PLANNING & CONTROL SYS	67,193	67,193
100	LAMD BATTLE COMMAND SYSTEM	301,872	291,872

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Line	Item	FY 2022 Request	House Authorized
	Excess costs previously funded		[-10,000]
101	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	5,182	5,182
102	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	31,349	31,349
104	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	11,271	11,271
105	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)	16,077	16,077
107	MOD OF IN-SVC EQUIPMENT (ENFIRE)	3,160	9,160
	GPS laser survey equipment		[6,000]
	ELECT EQUIP—AUTOMATION		
108	ARMY TRAINING MODERNIZATION	9,833	9,833
109	AUTOMATED DATA PROCESSING EQUIP	130,924	133,924
	ATRRS Unlimited Data Rights		[3,000]
110	ACCESSIONS INFORMATION ENVIRONMENT (AIE)	44,635	39,635
	Program decrease		[-5,000]
111	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	1,452	1,452
112	HIGH PERF COMPUTING MOD PGM (HPCMP)	69,943	69,943
113	CONTRACT WRITING SYSTEM	16,957	16,957
114	CSS COMMUNICATIONS	73,110	73,110
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)	12,905	12,905
	ELECT EQUIP—SUPPORT		
117	BCT EMERGING TECHNOLOGIES	13,835	13,835
	CLASSIFIED PROGRAMS		
117A	CLASSIFIED PROGRAMS	18,304	18,304
	CHEMICAL DEFENSIVE EQUIPMENT		
119	BASE DEFENSE SYSTEMS (BDS)	62,295	62,295
120	CBRN DEFENSE	55,632	55,632
	BRIDGING EQUIPMENT		
122	TACTICAL BRIDGING	9,625	9,625
123	TACTICAL BRIDGE, FLOAT-RIBBON	76,082	76,082
124	BRIDGE SUPPLEMENTAL SET	19,867	6,867
	Excess carryover		[-13,000]
125	COMMON BRIDGE TRANSPORTER (CBT) RECAP	109,796	99,339
	Cost growth		[-10,457]
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
126	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,628	5,628
128	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	26,823	26,823
131	ROBOTICS AND APPLIQUE SYSTEMS	124,233	124,233
	Common Robotic System—Individual (CRS-I) - Army UPL		[10,000]
	Excess carryover CRS-I		[-10,000]
132	RENDER SAFE SETS KITS OUTFITS	84,000	87,158
	Army UPL		[3,158]
	COMBAT SERVICE SUPPORT EQUIPMENT		
134	HEATERS AND ECU'S	7,116	5,116
	Contract delay		[-2,000]
135	SOLDIER ENHANCEMENT	1,286	7,786
	Program increase		[6,500]
136	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	9,741	9,741
137	GROUND SOLDIER SYSTEM	150,244	150,244
138	MOBILE SOLDIER POWER	17,815	17,815
139	FORCE PROVIDER	28,860	28,860
140	FIELD FEEDING EQUIPMENT	2,321	2,321
141	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	40,240	40,240
142	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	36,163	36,163
	PETROLEUM EQUIPMENT		
144	QUALITY SURVEILLANCE EQUIPMENT	744	744
145	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	72,296	65,657
	Army UPL		[4,420]
	Excess to need		[-11,059]
	MEDICAL EQUIPMENT		
146	COMBAT SUPPORT MEDICAL	122,145	128,395
	Mobile digital x-ray units		[6,250]
	MAINTENANCE EQUIPMENT		
147	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	14,756	12,856
	Excess carryover		[-1,900]
	CONSTRUCTION EQUIPMENT		
154	ALL TERRAIN CRANES	112,784	107,784
	Cost savings		[-5,000]
156	CONST EQUIP ESP	8,694	8,694
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
158	ARMY WATERCRAFT ESP	44,409	44,409
159	MANEUVER SUPPORT VESSEL (MSV)	76,660	76,660
	GENERATORS		
161	GENERATORS AND ASSOCIATED EQUIP	47,606	47,606
162	TACTICAL ELECTRIC POWER RECAPITALIZATION	10,500	10,500
	MATERIAL HANDLING EQUIPMENT		
163	FAMILY OF FORKLIFTS	13,325	13,325
	TRAINING EQUIPMENT		
164	COMBAT TRAINING CENTERS SUPPORT	79,565	79,565
165	TRAINING DEVICES, NONSYSTEM	174,644	174,644

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Line	Item	FY 2022 Request	House Authorized
166	SYNTHETIC TRAINING ENVIRONMENT (STE)	122,104	122,104
168	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	11,642	10,642
	Excess carryover		[-1,000]
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
170	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	42,934	42,934
172	TEST EQUIPMENT MODERNIZATION (TEMOD)	24,304	24,304
	OTHER SUPPORT EQUIPMENT		
174	PHYSICAL SECURITY SYSTEMS (OPA3)	86,930	86,930
175	BASE LEVEL COMMON EQUIPMENT	27,823	27,823
176	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	32,392	32,392
177	BUILDING, PRE-FAB, RELOCATABLE	32,227	32,227
179	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	76,917	70,917
	Program decrease		[-6,000]
	OPA2		
180	INITIAL SPARES—C&E	9,272	9,272
	TOTAL OTHER PROCUREMENT, ARMY	8,873,558	8,926,160
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A-18E/F (FIGHTER) HORNET	87,832	1,168,161
	Aircraft increase		[970,000]
	Production line shutdown		[-10,671]
	Program increase		[121,000]
003	JOINT STRIKE FIGHTER CV	2,111,009	2,047,709
	Target cost savings		[-63,300]
004	JOINT STRIKE FIGHTER CV AP	246,781	246,781
005	JSF STOVL	2,256,829	2,317,929
	F-35B PGSE & Depot Support—USMC UPL		[128,800]
	Target cost savings		[-67,700]
006	JSF STOVL AP	216,720	216,720
007	CH-53K (HEAVY LIFT)	1,286,296	1,256,514
	Excess to need—Pub/tech data		[-14,782]
	Unjustified growth—NRE production capacity		[-15,000]
008	CH-53K (HEAVY LIFT) AP	182,871	182,871
009	V-22 (MEDIUM LIFT)	751,716	1,166,116
	5 additional aircraft—Navy UPL		[414,400]
011	H-1 UPGRADES (UH-1Y/AH-1Z)	939	939
013	P-8A POSEIDON	44,595	724,595
	Four additional aircraft		[680,000]
014	E-2D ADV HAWKEYE	766,788	957,788
	Navy UPL		[191,000]
015	E-2D ADV HAWKEYE AP	118,095	118,095
	TRAINER AIRCRAFT		
016	ADVANCED HELICOPTER TRAINING SYSTEM	163,490	163,490
	OTHER AIRCRAFT		
017	KC-130J	520,787	914,787
	Two additional aircraft—USMC UPL		[197,000]
	Two additional C-130J aircraft—Navy UPL		[197,000]
018	KC-130J AP	68,088	68,088
021	MQ-4 TRITON	160,151	351,151
	One additional aircraft		[191,000]
023	MQ-8 UAV	49,249	49,249
024	STUASLO UAV	13,151	13,151
025	MQ-25 AP	47,468	47,468
026	MQ-9A REAPER		40,000
	Navy UPL		[40,000]
027	MARINE GROUP 5 UAS	233,686	233,686
	MODIFICATION OF AIRCRAFT		
030	F-18 A-D UNIQUE	163,095	245,595
	AESA Radar Upgrades—USMC UPL		[27,500]
	RWR Upgrades—USMC UPL		[55,000]
031	F-18E/F AND EA-18G MODERNIZATION AND SUSTAINM	482,899	482,899
032	MARINE GROUP 5 UAS SERIES	1,982	1,982
033	AEA SYSTEMS	23,296	20,221
	Excess support costs		[-3,075]
034	AV-8 SERIES	17,882	17,882
035	INFRARED SEARCH AND TRACK (IRST)	138,827	138,827
036	ADVERSARY	143,571	143,571
037	F-18 SERIES	327,571	327,571
038	H-53 SERIES	112,436	109,136
	Excess to need		[-3,300]
039	MH-60 SERIES	94,794	94,794
040	H-1 SERIES	124,194	118,857
	Excess to need		[-5,337]
041	EP-3 SERIES	28,848	28,848
042	E-2 SERIES	204,826	204,826
043	TRAINER A/C SERIES	7,849	7,849
044	C-2A	2,843	2,843

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Line	Item	FY 2022 Request	House Authorized
045	C-130 SERIES	145,610	145,610
046	FEWSG	734	734
047	CARGO/TRANSPORT A/C SERIES	10,682	10,682
048	E-6 SERIES	128,029	128,029
049	EXECUTIVE HELICOPTERS SERIES	45,326	45,326
051	T-45 SERIES	158,772	158,772
052	POWER PLANT CHANGES	24,915	24,915
053	JPATS SERIES	22,955	22,955
054	AVIATION LIFE SUPPORT MODS	2,477	2,477
055	COMMON ECM EQUIPMENT	119,574	119,574
056	COMMON AVIONICS CHANGES	118,839	118,839
057	COMMON DEFENSIVE WEAPON SYSTEM	5,476	5,476
058	ID SYSTEMS	13,154	13,154
059	P-8 SERIES	131,298	131,298
060	MAGTF EW FOR AVIATION	29,151	29,151
061	MQ-8 SERIES	31,624	31,624
062	V-22 (TILT/ROTOR ACFT) OSPREY	312,835	312,835
063	NEXT GENERATION JAMMER (NGJ)	266,676	266,676
064	F-35 STOVL SERIES	177,054	168,154
	TR-3/B4 Delay		[-8,900]
065	F-35 CV SERIES	138,269	131,369
	TR-3/B4 Delay		[-6,900]
066	QRC	98,563	98,563
067	MQ-4 SERIES	7,100	7,100
068	RQ-21 SERIES	14,123	14,123
	AIRCRAFT SPARES AND REPAIR PARTS		
072	SPARES AND REPAIR PARTS	2,339,077	2,456,877
	F-35B spare engines—USMC UPL		[117,800]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
073	COMMON GROUND EQUIPMENT	517,267	517,267
074	AIRCRAFT INDUSTRIAL FACILITIES	80,500	80,500
075	WAR CONSUMABLES	42,496	42,496
076	OTHER PRODUCTION CHARGES	21,374	21,374
077	SPECIAL SUPPORT EQUIPMENT	271,774	271,774
	TOTAL AIRCRAFT PROCUREMENT, NAVY	16,477,178	19,608,713
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,144,446	1,144,446
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,319	7,319
	STRATEGIC MISSILES		
003	TOMAHAWK	124,513	138,140
	Program increase		[13,627]
	TACTICAL MISSILES		
005	SIDEWINDER	86,366	86,366
006	STANDARD MISSILE	521,814	521,814
007	STANDARD MISSILE AP	45,357	45,357
008	JASSM	37,039	37,039
009	SMALL DIAMETER BOMB II	40,877	40,877
010	RAM	92,981	72,981
	Contract award delay		[-20,000]
011	JOINT AIR GROUND MISSILE (JAGM)	49,702	49,702
012	HELLFIRE	7,557	7,557
013	AERIAL TARGETS	150,339	150,339
014	DRONES AND DECOYS	30,321	30,321
015	OTHER MISSILE SUPPORT	3,474	3,474
016	LRASM	161,212	161,212
017	NAVAL STRIKE MISSILE (NSM)	59,331	52,377
	Program decrease		[-6,954]
	MODIFICATION OF MISSILES		
018	TOMAHAWK MODS	206,233	206,233
019	ESSM	248,619	161,519
	ESSM block 2 contract award delays		[-87,100]
021	AARGM	116,345	116,345
022	STANDARD MISSILES MODS	148,834	148,834
	SUPPORT EQUIPMENT & FACILITIES		
023	WEAPONS INDUSTRIAL FACILITIES	1,819	1,819
	ORDNANCE SUPPORT EQUIPMENT		
026	ORDNANCE SUPPORT EQUIPMENT	191,905	191,905
	TORPEDOES AND RELATED EQUIP		
027	SSTD	4,545	4,545
028	MK-48 TORPEDO	159,107	172,477
	Contract award delay		[-34,000]
	Heavyweight Torpedo—Navy UPL		[50,000]
	Program decrease		[-2,630]
029	ASW TARGETS	13,630	13,630
	MOD OF TORPEDOES AND RELATED EQUIP		

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Line	Item	FY 2022 Request	House Authorized
030	MK-54 TORPEDO MODS	106,112	94,168
	Program decrease		[-11,944]
031	MK-48 TORPEDO ADCAP MODS	35,680	35,680
032	MARITIME MINES	8,567	8,567
	SUPPORT EQUIPMENT		
033	TORPEDO SUPPORT EQUIPMENT	93,400	93,400
034	ASW RANGE SUPPORT	3,997	3,997
	DESTINATION TRANSPORTATION		
035	FIRST DESTINATION TRANSPORTATION	4,023	4,023
	GUNS AND GUN MOUNTS		
036	SMALL ARMS AND WEAPONS	14,909	14,909
	MODIFICATION OF GUNS AND GUN MOUNTS		
037	CIWS MODS	6,274	6,274
038	COAST GUARD WEAPONS	45,958	45,958
039	GUN MOUNT MODS	68,775	68,775
040	LCS MODULE WEAPONS	2,121	2,121
041	AIRBORNE MINE NEUTRALIZATION SYSTEMS	14,822	14,822
	SPARES AND REPAIR PARTS		
043	SPARES AND REPAIR PARTS	162,382	166,682
	Maritime Outfitting and Spares		[4,300]
	TOTAL WEAPONS PROCUREMENT, NAVY	4,220,705	4,126,004
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	48,635	48,635
002	JDAM	74,140	74,140
003	AIRBORNE ROCKETS, ALL TYPES	75,383	75,383
004	MACHINE GUN AMMUNITION	11,215	11,215
005	PRACTICE BOMBS	52,225	52,225
006	CARTRIDGES & CART ACTUATED DEVICES	70,876	70,876
007	AIR EXPENDABLE COUNTERMEASURES	61,600	61,600
008	JATOS	6,620	6,620
009	5 INCH/54 GUN AMMUNITION	28,922	28,922
010	INTERMEDIATE CALIBER GUN AMMUNITION	36,038	36,038
011	OTHER SHIP GUN AMMUNITION	39,070	39,070
012	SMALL ARMS & LANDING PARTY AMMO	45,493	45,493
013	PYROTECHNIC AND DEMOLITION	9,163	9,163
015	AMMUNITION LESS THAN \$5 MILLION	1,575	1,575
	MARINE CORPS AMMUNITION		
016	MORTARS	50,707	50,707
017	DIRECT SUPPORT MUNITIONS	120,037	120,037
018	INFANTRY WEAPONS AMMUNITION	94,001	94,001
019	COMBAT SUPPORT MUNITIONS	35,247	35,247
020	AMMO MODERNIZATION	16,267	16,267
021	ARTILLERY MUNITIONS	105,669	95,169
	Contract Delay		[-10,500]
022	ITEMS LESS THAN \$5 MILLION	5,135	5,135
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	988,018	977,518
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	3,003,000	2,923,012
	Columbia partial restoral		[75,000]
	Excessive cost growth		[-154,988]
002	OHIO REPLACEMENT SUBMARINE AP	1,643,980	1,843,584
	Submarine supplier development		[300,000]
	Submarine supplier development reduction		[-100,396]
	OTHER WARSHIPS		
003	CARRIER REPLACEMENT PROGRAM	1,068,705	1,062,205
	Program decrease		[-6,500]
004	CVN-81	1,299,764	1,287,719
	Program decrease		[-12,045]
005	VIRGINIA CLASS SUBMARINE	4,249,240	4,816,240
	Industrial base expansion to 3 VA class/year starting in FY 2025		[567,000]
006	VIRGINIA CLASS SUBMARINE AP	2,120,407	2,120,407
007	CVN REFUELING OVERHAULS	2,456,018	2,232,018
	Full funding rephase		[-224,000]
008	CVN REFUELING OVERHAULS AP	66,262	66,262
009	DDG 1000	56,597	56,597
010	DDG-51	2,016,787	4,928,424
	Change order excessive cost growth		[-12,300]
	Electronics excessive cost growth		[-35,500]
	Two additional ships		[3,059,900]
	Plans cost excessive cost growth		[-47,000]
	Program decrease		[-20,463]
	Termination liability not required		[-33,000]
011	DDG-51 AP		130,000
	AP for a third ship in FY 2023		[130,000]

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Line	Item	FY 2022 Request	House Authorized
013	FFG-FRIGATE	1,087,900	1,087,900
014	FFG-FRIGATE AP	69,100	69,100
	AMPHIBIOUS SHIPS		
015	LPD FLIGHT II	60,636	60,636
019	LHA REPLACEMENT	68,637	1,268,637
	One additional ship		[1,200,000]
020	EXPEDITIONARY FAST TRANSPORT (EPF)		540,000
	Two additional ships		[540,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
021	TAO FLEET OILER	668,184	1,336,384
	One additional ship		[668,200]
022	TAO FLEET OILER AP	76,012	76,012
023	TAGOS SURTASS SHIPS	434,384	434,384
024	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	183,800	80,800
	One ship excess to Program of Record		[-103,000]
025	LCU 1700	67,928	67,928
026	OUTFITTING	655,707	581,931
	Outfitting early to need		[-32,800]
	Program decrease		[-40,976]
027	SHIP TO SHORE CONNECTOR	156,738	286,738
	Ship to Shore Connector		[130,000]
028	SERVICE CRAFT	67,866	67,866
029	LCAC SLEP	32,712	32,712
030	AUXILIARY VESSELS (USED SEALIFT)	299,900	299,900
031	COMPLETION OF PY SHIPBUILDING PROGRAMS	660,795	660,795
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	22,571,059	28,418,191
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	41,414	41,414
	GENERATORS		
002	SURFACE COMBATANT HM&E	83,746	71,054
	Program decrease		[-12,692]
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	72,300	72,300
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	234,932	234,932
005	DDG MOD	583,136	583,136
006	FIREFIGHTING EQUIPMENT	15,040	15,040
007	COMMAND AND CONTROL SWITCHBOARD	2,194	2,194
008	LHA/LHD MIDLIFE	133,627	120,854
	Program decrease		[-12,773]
009	LCC 19/20 EXTENDED SERVICE LIFE PROGRAM	4,387	4,387
010	POLLUTION CONTROL EQUIPMENT	18,159	18,159
011	SUBMARINE SUPPORT EQUIPMENT	88,284	88,284
012	VIRGINIA CLASS SUPPORT EQUIPMENT	22,669	22,669
013	LCS CLASS SUPPORT EQUIPMENT	9,640	9,640
014	SUBMARINE BATTERIES	21,834	21,834
015	LPD CLASS SUPPORT EQUIPMENT	34,292	29,478
	Program decrease		[-4,814]
016	DDG 1000 CLASS SUPPORT EQUIPMENT	126,107	106,107
	Program decrease		[-20,000]
017	STRATEGIC PLATFORM SUPPORT EQUIP	12,256	12,256
018	DSSP EQUIPMENT	10,682	10,682
019	CG MODERNIZATION	156,951	156,951
020	LCAC	21,314	21,314
021	UNDERWATER EOD EQUIPMENT	24,146	24,146
022	ITEMS LESS THAN \$5 MILLION	84,789	84,789
023	CHEMICAL WARFARE DETECTORS	2,997	2,997
	REACTOR PLANT EQUIPMENT		
025	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,307,651	1,475,051
	A-120 Availabilities		[167,400]
026	REACTOR POWER UNITS	3,270	3,270
027	REACTOR COMPONENTS	438,729	438,729
	OCEAN ENGINEERING		
028	DIVING AND SALVAGE EQUIPMENT	10,772	10,772
	SMALL BOATS		
029	STANDARD BOATS	58,770	58,770
	PRODUCTION FACILITIES EQUIPMENT		
030	OPERATING FORCES IPE	168,822	150,822
	Program decrease		[-18,000]
	OTHER SHIP SUPPORT		
031	LCS COMMON MISSION MODULES EQUIPMENT	74,231	74,231
032	LCS MCM MISSION MODULES	40,630	30,119
	Program decrease		[-10,511]
033	LCS ASW MISSION MODULES	1,565	1,565
034	LCS SUW MISSION MODULES	3,395	3,395
035	LCS IN-SERVICE MODERNIZATION	122,591	122,591

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Line	Item	FY 2022 Request	House Authorized
036	SMALL & MEDIUM UUV	32,534	32,534
	SHIP SONARS		
038	SPQ-9B RADAR	15,927	15,927
039	AN/SQQ-89 SURF ASW COMBAT SYSTEM	131,829	126,871
	Program decrease		[-4,958]
040	SSN ACOUSTIC EQUIPMENT	379,850	341,898
	Program decrease		[-18,952]
	Virginia class technical insertion kits previously funded		[-19,000]
041	UNDERSEA WARFARE SUPPORT EQUIPMENT	13,965	13,965
	ASW ELECTRONIC EQUIPMENT		
042	SUBMARINE ACOUSTIC WARFARE SYSTEM	24,578	24,578
043	SSTD	11,010	11,010
044	FIXED SURVEILLANCE SYSTEM	363,651	363,651
045	SURTASS	67,500	67,500
	ELECTRONIC WARFARE EQUIPMENT		
046	AN/SLQ-32	370,559	257,644
	Block 3 Kit early to need		[-56,500]
	Program decrease		[-56,415]
	RECONNAISSANCE EQUIPMENT		
047	SHIPBOARD IW EXPLOIT	261,735	261,735
048	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,777	3,777
	OTHER SHIP ELECTRONIC EQUIPMENT		
049	COOPERATIVE ENGAGEMENT CAPABILITY	24,641	46,924
	Maritime Outfitting and Spares		[13,300]
	Navy Tactical Grid Development for JADC2		[8,983]
050	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	14,439	14,439
051	ATDLS	101,595	101,595
052	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,535	3,535
053	MINESWEEPING SYSTEM REPLACEMENT	15,640	15,640
054	SHALLOW WATER MCM	5,610	0
	COBRA Block I mods excess to need		[-5,610]
055	NAVSTAR GPS RECEIVERS (SPACE)	33,097	33,097
056	AMERICAN FORCES RADIO AND TV SERVICE	2,513	2,513
057	STRATEGIC PLATFORM SUPPORT EQUIP	4,823	4,823
	AVIATION ELECTRONIC EQUIPMENT		
058	ASHORE ATC EQUIPMENT	83,464	83,464
059	AFLOAT ATC EQUIPMENT	67,055	67,055
060	ID SYSTEMS	46,918	46,918
061	JOINT PRECISION APPROACH AND LANDING SYSTEM	35,386	35,386
062	NAVAL MISSION PLANNING SYSTEMS	17,951	17,951
	OTHER SHORE ELECTRONIC EQUIPMENT		
063	MARITIME INTEGRATED BROADCAST SYSTEM	2,360	2,360
064	TACTICAL/MOBILE C4I SYSTEMS	18,919	18,919
065	DCGS-N	16,691	16,691
066	CANES	412,002	441,002
	Resilient PNT		[29,000]
067	RADLAC	9,074	9,074
068	CANES-INTELL	51,593	51,593
069	GPETE	23,930	23,930
070	MASF	8,795	8,795
071	INTEG COMBAT SYSTEM TEST FACILITY	5,829	5,829
072	EMI CONTROL INSTRUMENTATION	3,925	3,925
073	ITEMS LESS THAN \$5 MILLION	156,042	156,042
	SHIPBOARD COMMUNICATIONS		
074	SHIPBOARD TACTICAL COMMUNICATIONS	43,212	43,212
075	SHIP COMMUNICATIONS AUTOMATION	90,724	128,707
	Navy Tactical Grid Development for JADC2		[8,983]
	Resilient PNT		[29,000]
076	COMMUNICATIONS ITEMS UNDER \$5M	44,447	44,447
	SUBMARINE COMMUNICATIONS		
077	SUBMARINE BROADCAST SUPPORT	47,579	47,579
078	SUBMARINE COMMUNICATION EQUIPMENT	64,642	64,642
	SATELLITE COMMUNICATIONS		
079	SATELLITE COMMUNICATIONS SYSTEMS	38,636	38,636
080	NAVY MULTIBAND TERMINAL (NMT)	34,723	34,723
	SHORE COMMUNICATIONS		
081	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	2,651	2,651
	CRYPTOGRAPHIC EQUIPMENT		
082	INFO SYSTEMS SECURITY PROGRAM (ISSP)	146,879	146,879
083	MIO INTEL EXPLOITATION TEAM	977	977
	CRYPTOLOGIC EQUIPMENT		
084	CRYPTOLOGIC COMMUNICATIONS EQUIP	17,809	17,809
	OTHER ELECTRONIC SUPPORT		
092	COAST GUARD EQUIPMENT	63,214	63,214
	SONOBUOYS		
094	SONOBUOYS—ALL TYPES	249,121	303,521
	Navy UPL		[54,400]
	AIRCRAFT SUPPORT EQUIPMENT		

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Line	Item	FY 2022 Request	House Authorized
095	MINOTAUR	4,963	4,963
096	WEAPONS RANGE SUPPORT EQUIPMENT	98,898	98,898
097	AIRCRAFT SUPPORT EQUIPMENT	178,647	178,647
098	ADVANCED ARRESTING GEAR (AAG)	22,265	22,265
099	METEOROLOGICAL EQUIPMENT	13,687	13,687
100	LEGACY AIRBORNE MCM	4,446	4,446
101	LAMPS EQUIPMENT	1,470	1,470
102	AVLIATION SUPPORT EQUIPMENT	70,665	70,665
103	UMCS-UNMAN CARRIER AVLIATION(UCA)MISSION CNTRL	86,584	86,584
	SHIP GUN SYSTEM EQUIPMENT		
104	SHIP GUN SYSTEMS EQUIPMENT	5,536	5,536
	SHIP MISSILE SYSTEMS EQUIPMENT		
105	HARPOON SUPPORT EQUIPMENT	204	204
106	SHIP MISSILE SUPPORT EQUIPMENT	237,987	237,987
107	TOMAHAWK SUPPORT EQUIPMENT	88,726	88,726
	FBM SUPPORT EQUIPMENT		
108	STRATEGIC MISSILE SYSTEMS EQUIP	281,259	281,259
	ASW SUPPORT EQUIPMENT		
109	SSN COMBAT CONTROL SYSTEMS	143,289	143,289
110	ASW SUPPORT EQUIPMENT	30,595	30,595
	OTHER ORDNANCE SUPPORT EQUIPMENT		
111	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	1,721	1,721
112	ITEMS LESS THAN \$5 MILLION	8,746	8,746
	OTHER EXPENDABLE ORDNANCE		
113	ANTI-SHIP MISSILE DECOY SYSTEM	76,994	76,994
114	SUBMARINE TRAINING DEVICE MODS	75,813	75,813
115	SURFACE TRAINING EQUIPMENT	127,814	127,814
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
116	PASSENGER CARRYING VEHICLES	4,140	4,140
117	GENERAL PURPOSE TRUCKS	2,805	2,805
118	CONSTRUCTION & MAINTENANCE EQUIP	48,403	51,003
	Excess carryover		[-2,000]
	GPS laser survey equipment		[4,600]
119	FIRE FIGHTING EQUIPMENT	15,084	15,084
120	TACTICAL VEHICLES	27,400	27,400
121	POLLUTION CONTROL EQUIPMENT	2,607	2,607
122	ITEMS LESS THAN \$5 MILLION	51,963	51,963
123	PHYSICAL SECURITY VEHICLES	1,165	1,165
	SUPPLY SUPPORT EQUIPMENT		
124	SUPPLY EQUIPMENT	24,698	24,698
125	FIRST DESTINATION TRANSPORTATION	5,385	5,385
126	SPECIAL PURPOSE SUPPLY SYSTEMS	660,750	660,750
	TRAINING DEVICES		
127	TRAINING SUPPORT EQUIPMENT	3,465	3,465
128	TRAINING AND EDUCATION EQUIPMENT	60,114	60,114
	COMMAND SUPPORT EQUIPMENT		
129	COMMAND SUPPORT EQUIPMENT	31,007	31,007
130	MEDICAL SUPPORT EQUIPMENT	7,346	7,346
132	NAVAL MIP SUPPORT EQUIPMENT	2,887	2,887
133	OPERATING FORCES SUPPORT EQUIPMENT	12,815	12,815
134	C4ISR EQUIPMENT	6,324	6,324
135	ENVIRONMENTAL SUPPORT EQUIPMENT	25,098	25,098
136	PHYSICAL SECURITY EQUIPMENT	110,647	100,647
	Program decrease		[-10,000]
137	ENTERPRISE INFORMATION TECHNOLOGY	31,709	31,709
	OTHER		
141	NEXT GENERATION ENTERPRISE SERVICE	41	41
142	CYBERSPACE ACTIVITIES	12,859	12,859
	CLASSIFIED PROGRAMS		
142A	CLASSIFIED PROGRAMS	19,808	19,808
	SPARES AND REPAIR PARTS		
143	SPARES AND REPAIR PARTS	424,405	517,105
	Maritime Outfitting and Spares		[92,700]
	TOTAL OTHER PROCUREMENT, NAVY	10,875,912	11,032,053
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	36,836	36,836
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	532,355	532,355
	Excess growth		[-7,000]
	Program increase		[7,000]
003	LAV PIP	23,476	23,476
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	32	32
005	ARTILLERY WEAPONS SYSTEM	67,548	221,348
	Program increase—NSM USMC UPL		[57,800]
	Program increase—TACTOM USMC UPL		[96,000]
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	35,402	35,402

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Line	Item	FY 2022 Request	House Authorized
GUIDED MISSILES			
008	GROUND BASED AIR DEFENSE	9,349	9,349
009	ANTI-ARMOR MISSILE-JAVELIN	937	937
010	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	20,481	20,481
011	ANTI-ARMOR MISSILE-TOW	14,359	12,359
	Unit cost growth		[-2,000]
012	GUIDED MLRS ROCKET (GMLRS)	98,299	98,299
COMMAND AND CONTROL SYSTEMS			
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM	18,247	18,247
REPAIR AND TEST EQUIPMENT			
014	REPAIR AND TEST EQUIPMENT	33,554	33,554
OTHER SUPPORT (TEL)			
015	MODIFICATION KITS	167	167
COMMAND AND CONTROL SYSTEM (NON-TEL)			
016	ITEMS UNDER \$5 MILLION (COMM & ELEC)	64,879	90,779
	Fly-Away Broadcast System (FABS)—USMC UPL		[9,000]
	Improved Night/Day Observation Device (INOD) Block III—USMC UPL		[16,900]
017	AIR OPERATIONS C2 SYSTEMS	1,291	1,291
RADAR + EQUIPMENT (NON-TEL)			
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	297,369	645,369
	AN/TPS-80 Retrofit Kits—USMC UPL		[44,000]
	AN/TPS-80 Procure (+8)—USMC UPL		[304,000]
INTELL/COMM EQUIPMENT (NON-TEL)			
020	GCSS-MC	604	604
021	FIRE SUPPORT SYSTEM	39,810	39,810
022	INTELLIGENCE SUPPORT EQUIPMENT	67,309	72,909
	SCINet—USMC UPL		[5,600]
024	UNMANNED AIR SYSTEMS (INTEL)	24,299	24,299
025	DCGS-MC	28,633	28,633
026	UAS PAYLOADS	3,730	3,730
OTHER SUPPORT (NON-TEL)			
029	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	97,060	97,060
030	COMMON COMPUTER RESOURCES	83,606	116,506
	(SONIC)—Enterprise Infrastructure Modernization (EIM)		[7,500]
	Marine Corps Hardware Suite (MCHS) End User Devices (EUD) Refresh		[6,300]
	NGEN Infrastructure Refresh		[19,100]
031	COMMAND POST SYSTEMS	53,708	39,708
	NOTM refresh early to need		[-14,000]
032	RADIO SYSTEMS	468,678	444,678
	TCM ground radios sparing previously funded		[-10,000]
	Unjustified request		[-14,000]
033	COMM SWITCHING & CONTROL SYSTEMS	49,600	41,600
	Excess growth		[-8,000]
034	COMM & ELEC INFRASTRUCTURE SUPPORT	110,835	116,635
	Excess growth		[-10,000]
	NETWORK Base Telecommunications Infrastructure (BTI)—USMC UPL		[15,800]
035	CYBERSPACE ACTIVITIES	25,377	46,577
	Defensive Cyber Operations (DCO)—Internal Defensive Measures (IDM) Kits		[21,200]
CLASSIFIED PROGRAMS			
037A	CLASSIFIED PROGRAMS	4,034	4,034
ADMINISTRATIVE VEHICLES			
038	COMMERCIAL CARGO VEHICLES	17,848	17,848
TACTICAL VEHICLES			
039	MOTOR TRANSPORT MODIFICATIONS	23,363	19,363
	Excess growth		[-4,000]
040	JOINT LIGHT TACTICAL VEHICLE	322,013	322,013
042	TRAILERS	9,876	9,876
ENGINEER AND OTHER EQUIPMENT			
044	TACTICAL FUEL SYSTEMS	2,161	2,161
045	POWER EQUIPMENT ASSORTED	26,625	26,625
046	AMPHIBIOUS SUPPORT EQUIPMENT	17,119	10,119
	Excess carryover		[-7,000]
047	EOD SYSTEMS	94,472	107,672
	Buried Command Wire Detector (BCWD)—USMC UPL		[7,800]
	Instrument Set, Recon and Survey (ENFIRE)—USMC UPL		[5,400]
MATERIALS HANDLING EQUIPMENT			
048	PHYSICAL SECURITY EQUIPMENT	84,513	84,513
GENERAL PROPERTY			
049	FIELD MEDICAL EQUIPMENT	8,105	8,105
050	TRAINING DEVICES	37,814	37,814
051	FAMILY OF CONSTRUCTION EQUIPMENT	34,658	50,458
	All-Terrain Crane (ATC)—USMC UPL		[10,800]
	Rough Terrain Container Handler (RTCH)—USMC UPL		[5,000]
052	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	15,439	15,439
OTHER SUPPORT			
053	ITEMS LESS THAN \$5 MILLION	4,402	15,002
	Lightweight Water Purification System—USMC UPL		[10,600]
SPARES AND REPAIR PARTS			

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
054	SPARES AND REPAIR PARTS	32,819	32,819
	TOTAL PROCUREMENT, MARINE CORPS	3,043,091	3,616,891
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC OFFENSIVE		
001	B-21 RAIDER AP	108,027	108,027
	TACTICAL FORCES		
002	F-35	4,167,604	3,973,504
	F135 PM Procurement—Air Force UPL		[175,000]
	Sustainment Enterprise Support		[-429,100]
	USG depot acceleration		[60,000]
003	F-35 AP	352,632	352,632
005	F-15EX	1,186,903	2,562,903
	12 additional aircraft		[1,376,000]
006	F-15EX AP	147,919	147,919
	TACTICAL AIRLIFT		
007	KC-46A MDAP	2,380,315	2,275,315
	Excess growth		[-105,000]
	OTHER AIRLIFT		
008	C-130J	128,896	128,896
009	MC-130J	220,049	220,049
	UPT TRAINERS		
011	ADVANCED TRAINER REPLACEMENT T-X	10,397	10,397
	HELICOPTERS		
013	COMBAT RESCUE HELICOPTER	792,221	792,221
	MISSION SUPPORT AIRCRAFT		
016	CIVIL AIR PATROL A/C	2,813	11,413
	Recapitalization rate increase		[8,600]
	OTHER AIRCRAFT		
017	TARGET DRONES	116,169	116,169
018	COMPASS CALL		75,000
	Add 5 spare engines—Air Force UPL		[75,000]
019	E-11 BACN/HAG	124,435	124,435
021	MQ-9	3,288	118,288
	Add 6 aircraft		[115,000]
	STRATEGIC AIRCRAFT		
023	B-2A	29,944	29,944
024	B-1B	30,518	30,518
025	B-52	74,957	74,957
026	COMBAT RESCUE HELICOPTER	61,191	45,891
	Early to need—contract delay		[-15,300]
027	LARGE AIRCRAFT INFRARED COUNTERMEASURES	57,001	57,001
	TACTICAL AIRCRAFT		
028	A-10	83,621	183,621
	Modernization and Upgrades		[100,000]
029	E-11 BACN/HAG	68,955	68,955
030	F-15	234,340	234,340
031	F-16	613,166	733,166
	ANG AESA Radars		[100,000]
	HUD upgrade		[20,000]
032	F-22A	424,722	384,722
	Program decrease		[-40,000]
033	F-35 MODIFICATIONS	304,135	308,935
	RMIP increase		[20,000]
	TR-3/B4 delay		[-15,200]
034	F-15 EPAW	149,797	149,797
036	KC-46A MDAP	1,984	1,984
	AIRLIFT AIRCRAFT		
037	C-5	25,431	25,431
038	C-17A	59,570	59,570
040	C-32A	1,949	1,949
041	C-37A	5,984	5,984
	TRAINER AIRCRAFT		
042	GLIDER MODS	142	142
043	T-6	8,735	8,735
044	T-1	3,872	3,872
045	T-38	49,851	49,851
	OTHER AIRCRAFT		
046	U-2 MODS	126,809	126,809
047	KC-10A (ATCA)	1,902	1,902
049	VC-25A MOD	96	96
050	C-40	262	262
051	C-130	29,071	169,771
	Modular Airborne Fire Fighting Systems		[15,000]
	NP-2000 modifications		[75,700]
	T-56 engine modifications		[50,000]
052	C-130J MODS	110,784	116,584
	Virtual reality maintenance training		[5,800]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
053	C-135	61,376	61,376
054	COMPASS CALL	195,098	195,098
056	RC-135	207,596	207,596
057	E-3	109,855	109,855
058	E-4	19,081	19,081
059	E-8	16,312	43,312
	Program increase—CDL		[27,000]
060	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	30,327	26,627
	Block 40/45 carryover		[-3,700]
062	H-1	1,533	1,533
063	H-60	13,709	32,139
	OLR mod early to need		[-1,570]
	Restore degraded visual environment		[20,000]
064	RQ-4 MODS	3,205	3,205
065	HC/MC-130 MODIFICATIONS	150,263	150,263
066	OTHER AIRCRAFT	54,828	54,828
067	MQ-9 MODS	144,287	129,787
	Early to need—MQ-9 Upgrade		[-11,500]
	Unjustified increase—MQ-9 Upgrade other government support		[-3,000]
068	MQ-9 UAS PAYLOADS	40,800	40,800
069	SENIOR LEADER C3, SYSTEM—AIRCRAFT	23,554	23,554
070	CV-22 MODS	158,162	240,562
	Nacelle improvement program		[5,000]
	SOCOM—CV-22 Reliability Acceleration		[77,400]
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	923,573	923,573
	COMMON SUPPORT EQUIPMENT		
072	AIRCRAFT REPLACEMENT SUPPORT EQUIP	138,761	138,761
	POST PRODUCTION SUPPORT		
073	B-2A	1,651	1,651
074	B-2B	38,811	38,811
075	B-52	5,602	5,602
078	F-15	2,324	2,324
079	F-16	10,456	10,456
081	RQ-4 POST PRODUCTION CHARGES	24,592	24,592
	INDUSTRIAL PREPAREDNESS		
082	INDUSTRIAL RESPONSIVENESS	18,110	18,110
	WAR CONSUMABLES		
083	WAR CONSUMABLES	35,866	35,866
	OTHER PRODUCTION CHARGES		
084	OTHER PRODUCTION CHARGES	979,388	1,019,388
	Classified modifications—program increase		[40,000]
	CLASSIFIED PROGRAMS		
086A	CLASSIFIED PROGRAMS	18,092	18,092
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	15,727,669	17,468,799
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	57,793	57,793
	BALLISTIC MISSILES		
002	GROUND BASED STRATEGIC DETERRENT	10,895	10,895
	Review of Engineering and Manufacturing Development Contract		
	TACTICAL		
003	REPLAC EQUIP & WAR CONSUMABLES	7,681	7,681
004	AGM-183A AIR-LAUNCHED RAPID RESPONSE WEAPON	160,850	110,850
	Procurement early to need		[-50,000]
006	JOINT AIR-SURFACE STANDOFF MISSILE	710,550	660,550
	Program decrease		[-50,000]
008	SIDEWINDER (AIM-9X)	107,587	107,587
009	AMRAAM	214,002	214,002
010	PREDATOR HELLFIRE MISSILE	103,684	103,684
011	SMALL DIAMETER BOMB	82,819	82,819
012	SMALL DIAMETER BOMB II	294,649	294,649
	INDUSTRIAL FACILITIES		
013	INDUSTRIAL PREPAREDNS/POL PREVENTION	757	757
	CLASS IV		
015	ICBM FUZE MOD	53,013	53,013
016	ICBM FUZE MOD AP	47,757	47,757
017	MM III MODIFICATIONS	88,579	88,579
019	AIR LAUNCH CRUISE MISSILE (ALCM)	46,799	46,799
	MISSILE SPARES AND REPAIR PARTS		
020	MSL SPRS/REPAIR PARTS (INITIAL)	14,212	14,212
021	MSL SPRS/REPAIR PARTS (REPLEN)	63,547	63,547
022	INITIAL SPARES/REPAIR PARTS	4,045	4,045
	SPECIAL PROGRAMS		
027	SPECIAL UPDATE PROGRAMS	30,352	30,352
	CLASSIFIED PROGRAMS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
027A	CLASSIFIED PROGRAMS	570,240	570,240
	TOTAL MISSILE PROCUREMENT, AIR FORCE	2,669,811	2,569,811
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	36,597	36,597
	CARTRIDGES		
002	CARTRIDGES	169,163	164,163
	Excess to need		[-5,000]
	BOMBS		
003	PRACTICE BOMBS	48,745	48,745
004	GENERAL PURPOSE BOMBS	176,565	176,565
005	MASSIVE ORDNANCE PENETRATOR (MOP)	15,500	15,500
006	JOINT DIRECT ATTACK MUNITION	124,102	124,102
007	B-61	2,709	2,709
	OTHER ITEMS		
008	CAD/PAD	47,210	47,210
009	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,151	6,151
010	SPARES AND REPAIR PARTS	535	535
011	MODIFICATIONS	292	292
012	ITEMS LESS THAN \$5,000,000	9,164	9,164
	FLARES		
013	FLARES	95,297	95,297
	FUZES		
014	FUZES	50,795	50,795
	SMALL ARMS		
015	SMALL ARMS	12,343	12,343
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	795,168	790,168
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
002	AF SATELLITE COMM SYSTEM	43,655	43,655
003	COUNTERSPACE SYSTEMS	64,804	64,804
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	39,444	39,444
005	GENERAL INFORMATION TECH—SPACE	3,316	9,816
	Increase satellite control capacity UPL		[4,700]
	Modernize Space Aggressor Equipment		[1,800]
006	GPSIII FOLLOW ON	601,418	601,418
007	GPS III SPACE SEGMENT	84,452	84,452
008	GLOBAL POSITIONING (SPACE)	2,274	2,274
009	HERITAGE TRANSITION	13,529	13,529
010	SPACEBORNE EQUIP (COMSEC)	26,245	26,245
011	MILSATCOM	24,333	24,333
012	SBIR HIGH (SPACE)	154,526	154,526
013	SPECIAL SPACE ACTIVITIES	142,188	142,188
014	MOBILE USER OBJECTIVE SYSTEM	45,371	45,371
015	NATIONAL SECURITY SPACE LAUNCH	1,337,347	1,337,347
016	NUDET DETECTION SYSTEM	6,690	6,690
017	PTES HUB	7,406	7,406
018	ROCKET SYSTEMS LAUNCH PROGRAM	10,429	10,429
020	SPACE MODS	64,371	64,371
021	SPACELIFT RANGE SYSTEM SPACE	93,774	93,774
	SPARES		
022	SPARES AND REPAIR PARTS	1,282	1,282
	TOTAL PROCUREMENT, SPACE FORCE	2,766,854	2,773,354
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	8,448	8,448
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	5,804	5,804
003	CAP VEHICLES	1,066	1,800
	Program increase		[734]
004	CARGO AND UTILITY VEHICLES	57,459	49,959
	Prior-year underexecution		[-7,500]
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	97,326	92,326
	Excess carryover		[-5,000]
006	SECURITY AND TACTICAL VEHICLES	488	488
007	SPECIAL PURPOSE VEHICLES	75,694	75,694
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,525	12,525
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	34,933	34,933
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	9,134	9,134
011	BASE MAINTENANCE SUPPORT VEHICLES	111,820	87,013
	Insufficient justification		[-4,807]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
	Program decrease		[-20,000]
	COMM SECURITY EQUIPMENT(COMSEC)		
013	COMSEC EQUIPMENT	66,022	66,022
014	STRATEGIC MICROELECTRONIC SUPPLY SYSTEM	885,051	885,051
	INTELLIGENCE PROGRAMS		
015	INTERNATIONAL INTEL TECH & ARCHITECTURES	5,809	5,809
016	INTELLIGENCE TRAINING EQUIPMENT	5,719	5,719
017	INTELLIGENCE COMM EQUIPMENT	25,844	25,844
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	44,516	44,516
019	BATTLE CONTROL SYSTEM—FIXED	2,940	2,940
020	THEATER AIR CONTROL SYS IMPROVEMEN	43,442	43,442
021	3D EXPEDITIONARY LONG-RANGE RADAR	96,186	307,686
	ANG/Cyber Requirements—AF UPL		[164,000]
	Build Command and Control Framework		[55,000]
	Program decrease		[-7,500]
022	WEATHER OBSERVATION FORECAST	32,376	32,376
023	STRATEGIC COMMAND AND CONTROL	37,950	37,950
024	CHEYENNE MOUNTAIN COMPLEX	8,258	8,258
025	MISSION PLANNING SYSTEMS	14,717	14,717
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	43,917	116,247
	EUCOM—MPE MOB/FOB		[13,800]
	INDOPACOM Mission Partner Environment		[30,530]
	MISO		[28,000]
028	AF GLOBAL COMMAND & CONTROL SYS	414	414
030	MOBILITY COMMAND AND CONTROL	10,619	10,619
031	AIR FORCE PHYSICAL SECURITY SYSTEM	101,896	91,896
	Program decrease		[-10,000]
032	COMBAT TRAINING RANGES	222,598	222,598
033	COMBAT TRAINING RANGES AP	14,730	14,730
034	MINIMUM ESSENTIAL EMERGENCY COMM N	77,119	77,119
035	WIDE AREA SURVEILLANCE (WAS)	38,794	38,794
036	C3 COUNTERMEASURES	131,238	131,238
037	INTEGRATED PERSONNEL AND PAY SYSTEM	15,240	15,240
038	GCSS-AF FOS	3,959	3,959
040	MAINTENANCE REPAIR & OVERHAUL INITIATIVE	4,387	4,387
041	THEATER BATTLE MGT C2 SYSTEM	4,052	4,052
042	AIR & SPACE OPERATIONS CENTER (AOC)	2,224	2,224
	AIR FORCE COMMUNICATIONS		
043	BASE INFORMATION TRANSPRT INFRAST (BITI) WIRED	58,499	58,499
044	AFNET	65,354	65,354
045	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,377	4,377
046	USCENTCOM	18,101	18,101
047	USSTRATCOM	4,226	4,226
	ORGANIZATION AND BASE		
048	TACTICAL C-E EQUIPMENT	162,955	156,955
	Program decrease		[-6,000]
049	RADIO EQUIPMENT	14,232	12,232
	Program decrease		[-2,000]
051	BASE COMM INFRASTRUCTURE	200,797	310,797
	EUCOM—Modernize IT infrastructure		[55,000]
	Improve Space Digital Integrated Network and Network Switches		[7,000]
	Modernize Essential Warfighter IT infrastructure		[55,000]
	MQ-9 UAV—Excess carryover		[-7,000]
	MODIFICATIONS		
052	COMM ELECT MODS	18,607	18,607
	PERSONAL SAFETY & RESCUE EQUIP		
053	PERSONAL SAFETY AND RESCUE EQUIPMENT	106,449	106,449
	DEPOT PLANT+MTRLS HANDLING EQ		
054	POWER CONDITIONING EQUIPMENT	11,274	11,274
055	MECHANIZED MATERIAL HANDLING EQUIP	8,594	8,594
	BASE SUPPORT EQUIPMENT		
056	BASE PROCURED EQUIPMENT	1	1
057	ENGINEERING AND EOD EQUIPMENT	32,139	32,139
058	MOBILITY EQUIPMENT	63,814	63,814
059	FUELS SUPPORT EQUIPMENT (FSE)	17,928	17,928
060	BASE MAINTENANCE AND SUPPORT EQUIPMENT	48,534	48,534
	SPECIAL SUPPORT PROJECTS		
062	DARP RC135	27,359	27,359
063	DCGS-AF	261,070	261,070
065	SPECIAL UPDATE PROGRAM	777,652	777,652
	CLASSIFIED PROGRAMS		
065A	CLASSIFIED PROGRAMS	20,983,908	21,183,908
	Program Increase		[200,000]
	SPARES AND REPAIR PARTS		
066	SPARES AND REPAIR PARTS (CYBER)	978	978
067	SPARES AND REPAIR PARTS	9,575	9,575

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
	TOTAL OTHER PROCUREMENT, AIR FORCE	25,251,137	25,790,394
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, SDA		
024	MAJOR EQUIPMENT, DPAA	494	494
047	MAJOR EQUIPMENT, OSD	31,420	31,420
048	JOINT CAPABILITY TECH DEMONSTRATION (JCTD)	74,060	74,060
	MAJOR EQUIPMENT, NSA		
046	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	315	315
	MAJOR EQUIPMENT, DISA		
010	INFORMATION SYSTEMS SECURITY	18,923	18,923
011	TELEPORT PROGRAM	34,908	34,908
012	JOINT FORCES HEADQUARTERS—DODIN	1,968	1,968
013	ITEMS LESS THAN \$5 MILLION	42,270	42,270
014	DEFENSE INFORMATION SYSTEM NETWORK	18,025	18,025
015	WHITE HOUSE COMMUNICATION AGENCY	44,522	44,522
016	SENIOR LEADERSHIP ENTERPRISE	54,592	54,592
017	JOINT REGIONAL SECURITY STACKS (JRSS)	62,657	62,657
018	JOINT SERVICE PROVIDER	102,039	102,039
019	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	80,645	70,645
	Program execution		[-10,000]
	MAJOR EQUIPMENT, DLA		
021	MAJOR EQUIPMENT	530,896	510,896
	Excess growth		[-20,000]
	MAJOR EQUIPMENT, DCSA		
002	MAJOR EQUIPMENT	3,014	3,014
	MAJOR EQUIPMENT, TJS		
049	MAJOR EQUIPMENT, TJS	7,830	7,830
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
029	THAAD	251,543	361,122
	12 additional systems		[109,579]
031	AEGIS BMD	334,621	334,621
032	AEGIS BMD AP	17,493	17,493
033	BMDs AN/TPY-2 RADARS	2,738	2,738
034	SM-3 IILAS	295,322	336,822
	Procure 2 additional all-up rounds		[41,500]
035	ARROW 3 UPPER TIER SYSTEMS	62,000	62,000
036	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	30,000	30,000
037	DEFENSE OF GUAM PROCUREMENT	40,000	40,000
038	AEGIS ASHORE PHASE III	25,866	25,866
039	IRON DOME	108,000	108,000
040	AEGIS BMD HARDWARE AND SOFTWARE	81,791	81,791
	MAJOR EQUIPMENT, DHRA		
004	PERSONNEL ADMINISTRATION	4,042	4,042
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
026	VEHICLES	118	118
027	OTHER MAJOR EQUIPMENT	12,681	12,681
	MAJOR EQUIPMENT, DODEA		
023	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	2,963	2,963
	MAJOR EQUIPMENT, DMACT		
022	MAJOR EQUIPMENT	8,498	8,498
	CLASSIFIED PROGRAMS		
051A	CLASSIFIED PROGRAMS	635,338	635,338
	AGILE PROCUREMENT TRANSITION PILOT		
081	AGILE PROCUREMENT TRANSITION PILOT		100,000
	Program increase		[100,000]
	AVIATION PROGRAMS		
052	ARMED OVERWATCH/TARGETING	170,000	170,000
053	MANNED ISR	2,500	2,500
054	MC-12	2,250	2,250
055	MH-60 BLACKHAWK	29,900	29,900
056	ROTARY WING UPGRADES AND SUSTAINMENT	202,278	202,278
057	UNMANNED ISR	55,951	55,951
058	NON-STANDARD AVIATION	3,282	3,282
059	U-28	4,176	4,176
060	MH-47 CHINOOK	130,485	130,485
061	CV-22 MODIFICATION	41,762	47,572
	SOCOM—CV-22 Reliability Acceleration		[5,810]
062	MQ-9 UNMANNED AERIAL VEHICLE	8,020	8,020
063	PRECISION STRIKE PACKAGE	165,224	165,224
064	AC/MC-130J	205,216	205,216
065	C-130 MODIFICATIONS	13,373	13,373
	SHIPBUILDING		
066	UNDERWATER SYSTEMS	17,227	23,327
	SOCOM—Modernized Forward Look Sonar		[900]
	SOCOM Combat Diving Advanced Equipment Acceleration		[5,200]
	AMMUNITION PROGRAMS		
067	ORDNANCE ITEMS <\$5M	168,072	168,072

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	House Authorized
OTHER PROCUREMENT PROGRAMS			
068	INTELLIGENCE SYSTEMS	131,889	123,889
	Program decrease		[-8,000]
069	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,991	5,991
070	OTHER ITEMS <\$5M	62,722	62,722
071	COMBATANT CRAFT SYSTEMS	17,080	17,080
072	SPECIAL PROGRAMS	44,351	75,531
	SOCOM—Medium Fixed Wing Mobility Modifications		[31,180]
073	TACTICAL VEHICLES	26,806	26,806
074	WARRIOR SYSTEMS <\$5M	284,548	304,548
	Radio Integration System Program Upgrade		[20,000]
075	COMBAT MISSION REQUIREMENTS	27,513	27,513
077	OPERATIONAL ENHANCEMENTS INTELLIGENCE	20,252	20,252
078	OPERATIONAL ENHANCEMENTS	328,569	389,872
	SOCOM—Armored Ground Mobility Systems (AGMS) Acceleration		[33,303]
	SOCOM—Fused Panoramic Night Vision Goggles Acceleration		[28,000]
CBDP			
079	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	167,918	167,918
080	CB PROTECTION & HAZARD MITIGATION	189,265	189,265
	TOTAL PROCUREMENT, DEFENSE-WIDE	5,548,212	5,885,684
NATIONAL GUARD AND RESERVE EQUIPMENT			
UNDISTRIBUTED			
007	UNDISTRIBUTED		950,000
	Program increase		[950,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		950,000
	TOTAL PROCUREMENT	132,205,078	147,064,524

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 2 **OPMENT, TEST, AND EVALUA-**
 3 **TION**
 4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
001	0601102A	DEFENSE RESEARCH SCIENCES	297,241	324,288
		Lightweight, High Entropy Alloy Research		[5,000]
		Program increase		[22,047]
002	0601103A	UNIVERSITY RESEARCH INITIATIVES	66,981	72,809
		Program increase		[5,828]
003	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	94,003	109,003
		Biotechnology advancements		[4,000]
		Polar Research and Training		[6,000]
		SMART and Cognitive Research for RF/ Radar		[5,000]
004	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,067	5,067
005	0601601A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING	10,183	15,183
		BASIC RESEARCH		
		Program increase		[5,000]
		SUBTOTAL BASIC RESEARCH	473,475	526,350
APPLIED RESEARCH				
006	0602115A	BIOMEDICAL TECHNOLOGY	11,925	11,925
007	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	1,976	1,976
008	0602141A	LETHALITY TECHNOLOGY	64,126	65,126
		CPF—Research and Development of Next Generation Explosives and Propellants		[1,000]
009	0602142A	ARMY APPLIED RESEARCH	28,654	28,654
010	0602143A	SOLDIER LETHALITY TECHNOLOGY	105,168	115,168
		AFC Pathfinder Partnership Program-Air Assault		[10,000]
011	0602144A	GROUND TECHNOLOGY	56,400	118,400

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Line	Program Element	Item	FY 2022 Request	House Authorized
		Additive Manufacturing Materials		[9,000]
		Advanced materials process		[10,000]
		Chemical and Biological Detection		[5,000]
		CPF—Army Research Lab (ARL) Additive Manufacturing/Machine Learning (AM/ML) Initiative.		[5,000]
		High performance polymers		[10,000]
		Modeling Enabled Multifunctional Materials Development (MEMMD).		[6,000]
		Program increase		[17,000]
012	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	172,166	190,166
		CPF—High-efficiency Truck Users Forum (HTUF)		[2,500]
		CPF—Structural Thermoplastics Large-Scale Low-Cost Tooling Solutions.		[4,500]
		Prototyping Energy Smart Autonomous Ground Systems		[8,000]
		Tactical Behaviors for Autonomous Maneuver		[3,000]
013	0602146A	NETWORK C3I TECHNOLOGY	84,606	136,406
		Advanced fabrics for shelters		[9,000]
		Alternative PNT		[15,000]
		CPF—Future Nano- and Micro-Fabrication - Advanced Materials Engineering Research Institute.		[6,800]
		CPF—Multiple Drone, Multiple Sensor ISR Capabilities		[5,000]
		Distributed Radio Frequency Sensor/Effecter Technology for Strategic Defense.		[10,000]
		Intelligent Electronic Protection Technologies		[6,000]
014	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	64,285	94,535
		Machine Learning for Army Integrated Fires		[10,000]
		Novel Printed Armaments Components		[15,000]
		Precision Long Range Integrated Strike (PLRIS)		[5,250]
015	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	91,411	91,411
016	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	19,316	64,316
		Advancement of critical HEL technologies		[10,000]
		Cyber Electromagnetic (CEMA) Missile Defender		[15,000]
		High energy laser integration		[20,000]
017	0602180A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING TECHNOLOGIES.	15,034	15,034
018	0602181A	ALL DOMAIN CONVERGENCE APPLIED RESEARCH	25,967	25,967
019	0602182A	C3I APPLIED RESEARCH	12,406	12,406
020	0602183A	AIR PLATFORM APPLIED RESEARCH	6,597	16,597
		High density eVTOL power source		[10,000]
021	0602184A	SOLDIER APPLIED RESEARCH	11,064	26,064
		Advanced AI/AA analytics		[5,000]
		AFC Pathfinder Partnership Program		[10,000]
022	0602213A	C3I APPLIED CYBER	12,123	12,123
023	0602386A	BIOTECHNOLOGY FOR MATERIALS—APPLIED RESEARCH ...	20,643	20,643
024	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,701	18,701
025	0602787A	MEDICAL TECHNOLOGY	91,720	95,720
		CPF—Human Performance Optimization (HPO) Center		[2,000]
		CPF—Suicide Prevention with Focus on Rural, Remote, Isolated, and OCONUS Installations.		[2,000]
		SUBTOTAL APPLIED RESEARCH	914,288	1,161,338
		ADVANCED TECHNOLOGY DEVELOPMENT		
026	0603002A	MEDICAL ADVANCED TECHNOLOGY	43,804	43,804
027	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	14,273	14,273
028	0603025A	ARMY AGILE INNOVATION AND DEMONSTRATION	22,231	22,231
029	0603040A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING ADVANCED TECHNOLOGIES.	909	909
030	0603041A	ALL DOMAIN CONVERGENCE ADVANCED TECHNOLOGY	17,743	17,743
031	0603042A	C3I ADVANCED TECHNOLOGY	3,151	3,151
032	0603043A	AIR PLATFORM ADVANCED TECHNOLOGY	754	754
033	0603044A	SOLDIER ADVANCED TECHNOLOGY	890	890
034	0603115A	MEDICAL DEVELOPMENT	26,521	26,521
035	0603116A	LETHALITY ADVANCED TECHNOLOGY	8,066	8,066
036	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT	76,815	76,815
037	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY	107,966	107,966
038	0603119A	GROUND ADVANCED TECHNOLOGY	23,403	63,403
		Advanced Entry Control Point Design		[5,000]
		Cold weather military research		[2,000]
		CPF—Military Operations in a Permafrost Environment		[3,000]
		Ground Advanced Technology—3D Printed Structures		[12,000]
		Program increase		[10,000]
		Rapid entry and sustainment for the Arctic		[8,000]
039	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	24,747	24,747
040	0603386A	BIOTECHNOLOGY FOR MATERIALS—ADVANCED RESEARCH	53,736	53,736
041	0603457A	C3I CYBER ADVANCED DEVELOPMENT	31,426	31,426
042	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	189,123	231,523

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Line	Program Element	Item	FY 2022 Request	House Authorized
		Program increase		[42,400]
043	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY.	164,951	169,951
		Vehicle Cyber Security Research		[5,000]
044	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	155,867	174,267
		C3I Assured Position, Navigation, and Timing Technology		[10,000]
		Infrastructure Smart Technology		[8,400]
045	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY	93,909	123,909
		Extended Range Artillery Munition Suite (ERAMS)		[10,000]
		Missile effects planning tool development		[10,000]
		Project AG5		[10,000]
046	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY	179,677	179,677
047	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY	48,826	66,326
		Late contract award		[-2,500]
		Program increase—Missile Mentor		[10,000]
		Vehicle-mounted high-energy laser weapon systems development ...		[10,000]
048	0603920A	HUMANITARIAN DEMINING	8,649	8,649
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	1,297,437	1,450,737
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
049	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	11,702	53,702
		Electro-Magnetic Denial and Protect		[10,000]
		Flight Analysis Software Toolkit		[8,000]
		PNT Resiliency Lab		[8,000]
		Program increase		[10,000]
		Scalable High Powered Microwave Technology		[6,000]
050	0603308A	ARMY SPACE SYSTEMS INTEGRATION	18,755	21,755
		Multi-Mission Synthetic Aperture Radar Payload Development		[3,000]
052	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	50,314	50,314
053	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	79,873	79,873
054	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	170,590	176,390
		Excess to need		[-4,000]
		Ground vehicle modeling and simulation research and development		[9,800]
055	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	2,897	2,897
056	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	113,365	113,365
057	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	18,000	21,804
		Soldier Maneuver Sensors Adv Dev Lethality Smart System—Army UPL.		[3,804]
058	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	11,921	11,921
059	0603790A	NATO RESEARCH AND DEVELOPMENT	3,777	3,777
060	0603801A	AVIATION—ADV DEV	1,125,641	1,134,141
		Excess to need		[-24,500]
		FLRAA risk reduction		[33,000]
061	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	7,055	7,055
062	0603807A	MEDICAL SYSTEMS—ADV DEV	22,071	22,071
063	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	17,459	17,459
064	0604017A	ROBOTICS DEVELOPMENT	87,198	75,048
		Excess carryover		[-7,150]
		Unjustified growth—other support costs		[-5,000]
065	0604019A	EXPANDED MISSION AREA MISSILE (EMAM)	50,674	43,674
		IFPC-HEL Late Contract Award		[-7,000]
067	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY	19,638	19,638
068	0604036A	MULTI-DOMAIN SENSING SYSTEM (MDSS) ADV DEV	50,548	45,498
		Insufficient justification		[-5,050]
069	0604037A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) ADV DEV.	28,347	28,347
070	0604100A	ANALYSIS OF ALTERNATIVES	10,091	10,091
071	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)	926	926
072	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS).	69,697	69,697
073	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	327,690	327,690
074	0604115A	TECHNOLOGY MATURATION INITIATIVES	270,124	180,324
		Insufficient justification		[-80,000]
		Program decrease		[-9,800]
075	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)	39,376	32,976
		Excess carryover		[-6,400]
076	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING.	189,483	189,483
077	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT) ...	96,679	96,679
078	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING.	194,195	192,195
		Prior-year carryover		[-2,000]
079	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	13,379	13,379
080	0604182A	HYPERSONICS	300,928	300,928
081	0604403A	FUTURE INTERCEPTOR	7,895	7,895

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082	0604531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS ADVANCED DEVELOPMENT.	19,148	19,148
083	0604541A	UNIFIED NETWORK TRANSPORT	35,409	35,409
084	0604644A	MOBILE MEDIUM RANGE MISSILE	286,457	281,457
		Prior-year carryover		[-5,000]
085	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,040	2,040
086	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT ..	52,988	52,988
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	3,806,330	3,742,034
		SYSTEM DEVELOPMENT & DEMONSTRATION		
089	0604201A	AIRCRAFT AVIONICS	6,654	6,654
090	0604270A	ELECTRONIC WARFARE DEVELOPMENT	30,840	26,440
		Early to need		[-4,400]
091	0604601A	INFANTRY SUPPORT WEAPONS	67,873	72,873
		Turret Gunner Survivability and Simulation Environment		[5,000]
092	0604604A	MEDIUM TACTICAL VEHICLES	11,374	11,374
093	0604611A	JAVELIN	7,094	7,094
094	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	31,602	31,602
095	0604633A	AIR TRAFFIC CONTROL	4,405	4,405
096	0604642A	LIGHT TACTICAL WHEELED VEHICLES	2,055	7,655
		Electric Light Recon Vehicle—Army UPL		[5,600]
097	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	137,256	137,256
098	0604710A	NIGHT VISION SYSTEMS—ENG DEV	62,690	112,690
		Transfer from Other Procurement, Army line 83		[50,000]
099	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	1,658	1,658
100	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	26,540	26,540
101	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	59,518	59,518
102	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	22,331	22,331
103	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,807	8,807
104	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	7,453	7,453
107	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	21,534	21,534
108	0604802A	WEAPONS AND MUNITIONS—ENG DEV	309,778	309,778
109	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	59,261	52,261
		Excess carryover		[-7,000]
110	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	20,121	20,121
111	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	44,424	44,424
112	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	14,137	9,137
		Insufficient justification		[-5,000]
113	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	162,704	162,704
114	0604820A	RADAR DEVELOPMENT	127,919	127,919
115	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	17,623	17,623
117	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,454	6,454
118	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD	106,354	127,354
		Program increase for vehicle protection system research—Army UPL.		[21,000]
120	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	122,168	122,168
121	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	76,936	76,936
122	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	35,560	35,560
124	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,364	16,364
125	0605031A	JOINT TACTICAL NETWORK (JTN)	28,954	28,954
128	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	16,630	16,630
130	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	7,618	7,618
131	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	18,892	18,892
132	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	28,849	28,849
133	0605047A	CONTRACT WRITING SYSTEM	22,960	22,960
135	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	65,603	65,603
136	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	233,512	233,512
137	0605053A	GROUND ROBOTICS	18,241	18,241
138	0605054A	EMERGING TECHNOLOGY INITIATIVES	254,945	254,945
139	0605143A	BIOMETRICS ENABLING CAPABILITY (BEC)	4,326	4,326
140	0605144A	NEXT GENERATION LOAD DEVICE—MEDIUM	15,616	15,616
141	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT.	962	962
142	0605148A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) EMD ..	54,972	54,972
143	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	122,175	122,175
144	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	2,275	2,275
145	0605224A	MULTI-DOMAIN INTELLIGENCE	9,313	9,313
146	0605225A	SIO CAPABILITY DEVELOPMENT	22,713	22,713
147	0605231A	PRECISION STRIKE MISSILE (PRSM)	188,452	188,452
148	0605232A	HYPERSONICS EMD	111,473	111,473
149	0605233A	ACCESSIONS INFORMATION ENVIRONMENT (AIE)	18,790	18,790

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150	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	2,134	2,134
151	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	157,873	157,873
152	0605531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS SYS DEV & DEMONSTRATION.	33,386	33,386
153	0605625A	MANNED GROUND VEHICLE	225,106	203,106
		Excess carryover		[-10,000]
		Unjustified growth—other support costs		[-7,000]
		Unjustified growth—program management		[-5,000]
154	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	14,454	14,454
155	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	2,564	2,564
156	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,201	1,201
157	0303032A	TROJAN—RH12	3,362	3,362
161	0304270A	ELECTRONIC WARFARE DEVELOPMENT	75,520	75,520
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,392,358	3,435,558
		MANAGEMENT SUPPORT		
162	0604256A	THREAT SIMULATOR DEVELOPMENT	18,439	18,439
163	0604258A	TARGET SYSTEMS DEVELOPMENT	17,404	17,404
164	0604759A	MAJOR T&E INVESTMENT	68,139	68,139
165	0605103A	RAND ARROYO CENTER	33,126	33,126
166	0605301A	ARMY KWAJALEIN ATOLL	240,877	240,877
167	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	79,710	79,710
169	0605601A	ARMY TEST RANGES AND FACILITIES	354,227	354,227
170	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS Modular Open System Architecture (MOSA) integration research and testing.	49,253	69,739 [20,486]
171	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,389	36,389
172	0605606A	AIRCRAFT CERTIFICATION	2,489	2,489
173	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,689	6,689
174	0605706A	MATERIEL SYSTEMS ANALYSIS	21,558	21,558
175	0605709A	EXPLOITATION OF FOREIGN ITEMS	13,631	13,631
176	0605712A	SUPPORT OF OPERATIONAL TESTING	55,122	55,122
177	0605716A	ARMY EVALUATION CENTER	65,854	65,854
178	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG ...	2,633	2,633
179	0605801A	PROGRAMWIDE ACTIVITIES	96,589	96,589
180	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,808	26,808
181	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY. Program increase for Advanced Ammunition Material and Manu- facturing Technologies.	43,042	48,042 [5,000]
182	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	1,789	1,789
183	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	52,108	52,108
185	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE	80,952	80,952
186	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	5,363	5,363
187	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	39,041	39,041
188	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	5,466	5,466
		SUBTOTAL MANAGEMENT SUPPORT	1,416,698	1,442,184
		OPERATIONAL SYSTEMS DEVELOPMENT		
190	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	12,314	12,314
191	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,868	8,868
192	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PRO- GRAMS. Agile Manufacturing for Advanced Armament Systems	22,828	38,828 [16,000]
194	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	4,773	6,773
		Program increase		[2,000]
195	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	52,372	62,372
		Program increase—T55-714C acceleration		[10,000]
196	0607139A	IMPROVED TURBINE ENGINE PROGRAM	275,024	315,024
		Army Improved Turbine Engine Program		[40,000]
197	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	12,417	12,417
198	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS	4,594	4,594
199	0607145A	APACHE FUTURE DEVELOPMENT	10,067	25,067
		Program increase—air vehicle advancement and advanced mission systems..		[15,000]
200	0607148A	AN/TPQ-53 COUNTERFIRE TARGET ACQUISITION RADAR SYSTEM.	56,681	56,681
201	0607150A	INTEL CYBER DEVELOPMENT	3,611	12,471
		Cyber-Info Dominance Center		[8,860]
202	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	28,029	28,029
203	0607313A	ELECTRONIC WARFARE DEVELOPMENT	5,673	5,673
204	0607665A	FAMILY OF BIOMETRICS	1,178	1,178
205	0607865A	PATRIOT PRODUCT IMPROVEMENT	125,932	125,932
206	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYS- TEM (JADOC).	25,547	25,547

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207	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	211,523	276,523
		Abrams tank modernization		[65,000]
208	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	213,281	208,136
		Excess carryover		[-5,145]
210	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	132	132
211	0203758A	DIGITIZATION	3,936	3,936
212	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	127	127
213	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	10,265	10,265
214	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV.	262	262
215	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	182	182
216	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	63,937	63,937
217	0208053A	JOINT TACTICAL GROUND SYSTEM	13,379	13,379
219	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	24,531	24,531
220	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,720	15,720
221	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	52,739	61,739
		ERP Convergence		[9,000]
222	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,247	15,247
226	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	5,430	5,430
227	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,410	8,410
228	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	24,460	24,460
233	0307665A	BIOMETRICS ENABLED INTELLIGENCE	2,066	2,066
234	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,720	76,720
		Digital Night Vision Cameras		[15,000]
236A	9999999999	CLASSIFIED PROGRAMS	2,993	2,993
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	1,380,248	1,555,963
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
237	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT.	118,811	118,811
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	118,811	118,811
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	12,799,645	13,432,975
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	117,448	160,136
		Defense University Research Instrumentation Program		[20,000]
		Program increase		[22,688]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH		23,399
		Program increase		[23,399]
003	0601153N	DEFENSE RESEARCH SCIENCES	484,421	489,406
		CPF—Digital Twins for Navy Maintenance		[1,985]
		Program increase		[3,000]
		SUBTOTAL BASIC RESEARCH	601,869	672,941
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	23,013	33,013
		Multi-Mission UAV-borne Electronic Attack		[10,000]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,888	143,388
		Program increase		[5,000]
		Relative positioning of autonomous platforms		[5,000]
		Talent and technology for Navy power and energy systems		[10,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	51,112	61,112
		Unmanned logistics solutions		[10,000]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	51,477	51,477
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	70,547	80,547
		High Mobility Ground Robots to Assist Dismounted Infantry in Urban Operations.		[5,000]
		Humanoid robotics in complex unstructured environments		[5,000]
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	85,157	85,157
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	70,086	90,086
		Program increase		[20,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,405	6,405
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	57,484	112,484
		Academic partnerships for undersea vehicle research and manufacturing.		[16,500]
		Continuous distributed sensing systems		[20,000]
		CPF—Connected AI for Autonomous UUV Systems		[5,000]
		CPF—Persistent Maritime Surveillance		[5,000]
		Program increase		[8,500]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	173,356	193,356
		Remote acoustic sensing		[20,000]
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,160	32,160

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015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH.	152,976	152,976
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACTIVITIES.	79,254	79,254
		SUBTOTAL APPLIED RESEARCH	975,915	1,121,415
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	21,661	21,661
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	8,146	8,146
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	224,155	264,055
		Low Cost Attributable Aircraft Technology		[25,000]
		Maritime Targeting Cell—Expeditionary (MTC-X)		[5,300]
		Next Generation Logistics – Autonomous Littoral Connector		[9,600]
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,429	13,429
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	265,299	265,299
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	57,236	57,236
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,935	4,935
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	47,167	52,167
		Net-Zero and Resilient Energy Installations		[5,000]
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	1,981	1,981
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	133,779	158,779
		Attributable Group III Ultra-Long Endurance Unmanned Aircraft for Persistent ISR.		[10,000]
		Program increase—railgun		[15,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	777,788	847,688
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603128N	UNMANNED AERIAL SYSTEM	16,879	16,879
028	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS).	144,846	144,846
029	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	27,849	27,849
030	0603216N	AVIATION SURVIVABILITY	16,815	16,815
031	0603239N	NAVAL CONSTRUCTION FORCES	5,290	5,290
033	0603254N	ASW SYSTEMS DEVELOPMENT	17,612	17,612
034	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,111	3,111
035	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	32,310	32,310
036	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	58,013	58,013
037	0603506N	SURFACE SHIP TORPEDO DEFENSE	1,862	1,862
038	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,182	7,182
039	0603525N	PILOT FISH	408,087	408,087
040	0603527N	RETRACT LARCH	44,197	44,197
041	0603536N	RETRACT JUNIPER	144,541	144,541
042	0603542N	RADIOLOGICAL CONTROL	761	761
043	0603553N	SURFACE ASW	1,144	1,144
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	99,782	79,782
		Production delay		[-20,000]
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	14,059	14,059
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	111,590	111,590
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	106,957	106,957
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	203,572	203,572
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	78,122	78,122
050	0603576N	CHALK EAGLE	80,270	80,270
051	0603581N	LITTORAL COMBAT SHIP (LCS)	84,924	84,924
052	0603582N	COMBAT SYSTEM INTEGRATION	17,322	17,322
053	0603595N	OHIO REPLACEMENT	296,231	266,231
		Excessive cost growth		[-30,000]
054	0603596N	LCS MISSION MODULES	75,995	75,995
055	0603597N	AUTOMATED TEST AND RE-TEST (ATRT)	7,805	7,805
056	0603599N	FRIGATE DEVELOPMENT	109,459	109,459
057	0603609N	CONVENTIONAL MUNITIONS	7,296	7,296
058	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	77,065	77,065
059	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	34,785	34,785
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	8,774	8,774
061	0603721N	ENVIRONMENTAL PROTECTION	20,677	20,677
062	0603724N	NAVY ENERGY PROGRAM	33,824	43,824
		AR3P Auto Refueling System		[10,000]
063	0603725N	FACILITIES IMPROVEMENT	6,327	6,327
064	0603734N	CHALK CORAL	579,389	579,389
065	0603739N	NAVY LOGISTIC PRODUCTIVITY	669	669
066	0603746N	RETRACT MAPLE	295,295	295,295

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067	0603748N	LINK PLUMERIA	692,280	692,280
068	0603751N	RETRACT ELM	83,904	83,904
069	0603764M	LINK EVERGREEN	221,253	221,253
071	0603790N	NATO RESEARCH AND DEVELOPMENT	5,805	5,805
072	0603795N	LAND ATTACK TECHNOLOGY	4,017	4,017
073	0603851M	JOINT NON-LETHAL WEAPONS TESTING	29,589	29,589
074	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS— DEM/VAL	24,450	24,450
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	81,803	81,803
076	0604014N	F/A -18 INFRARED SEARCH AND TRACK (IRST)	48,793	48,793
077	0604027N	DIGITAL WARFARE OFFICE	46,769	55,752
		Navy Tactical Grid Development for JADC2		[8,983]
078	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES	84,676	84,676
079	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES	59,299	59,299
081	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	88,063	88,063
082	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	121,509	156,509
		Integrated Digital Shipbuilding		[35,000]
083	0604126N	LITTORAL AIRBORNE MCM	18,669	69
		COBRA Block II early to need		[-18,600]
084	0604127N	SURFACE MINE COUNTERMEASURES	13,655	13,655
085	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTER- MEASURES (TADIRCM)	33,246	33,246
086	0604289M	NEXT GENERATION LOGISTICS	1,071	6,071
		Additive Manufacturing Part Screening and Selection Software Tool		[5,000]
087	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	9,825	9,825
088	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	6,555	6,555
089	0604454N	LX (R)	3,344	3,344
090	0604536N	ADVANCED UNDERSEA PROTOTYPING	58,473	58,473
091	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	5,529	5,529
092	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	97,944	97,944
093	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT	9,340	9,340
094	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT	127,756	127,756
095	0605512N	MEDIUM UNMANNED SURFACE VEHICLES (MUSVS))	60,028	101,728
		Carry out execution of CLIN 0101		[41,700]
096	0605513N	UNMANNED SURFACE VEHICLE ENABLING CAPABILITIES ..	170,838	123,838
		USV machinery qualification insufficient justification		[-47,000]
097	0605514M	GROUND BASED ANTI-SHIP MISSILE (MARFORRES)	102,716	102,716
098	0605516M	LONG RANGE FIRES (MARFORRES)	88,479	88,479
099	0605518N	CONVENTIONAL PROMPT STRIKE (CPS)	1,372,340	1,498,340
		Conventional Prompt Strike (CPS) RDT&E		[126,000]
100	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	8,571	8,571
101	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	16,204	63,604
		KMAX		[12,400]
		Solar-powered UAS		[35,000]
102	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	506	506
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPES.	7,077,987	7,236,470
		SYSTEM DEVELOPMENT & DEMONSTRATION		
103	0603208N	TRAINING SYSTEM AIRCRAFT	5,864	5,864
104	0604212N	OTHER HELO DEVELOPMENT	56,444	49,312
		AURA—excess to need		[-7,132]
105	0604214M	AV-8B AIRCRAFT—ENG DEV	10,146	10,146
106	0604215N	STANDARDS DEVELOPMENT	4,082	4,082
107	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	46,418	56,418
		Program increase—MH-60 modernization		[10,000]
108	0604221N	P-3 MODERNIZATION PROGRAM	579	579
109	0604230N	WARFARE SUPPORT SYSTEM	10,167	10,167
110	0604231N	COMMAND AND CONTROL SYSTEMS	122,913	122,913
111	0604234N	ADVANCED HAWKEYE	386,860	386,860
112	0604245M	H-1 UPGRADES	50,158	50,158
113	0604261N	ACOUSTIC SEARCH SENSORS	46,066	46,066
114	0604262N	V-22A	107,984	107,984
115	0604264N	AIR CREW SYSTEMS DEVELOPMENT	22,746	22,746
116	0604269N	EA-18	68,425	68,425
117	0604270N	ELECTRONIC WARFARE DEVELOPMENT	139,535	136,593
		Dual Band Decey previously funded		[-2,942]
118	0604273M	EXECUTIVE HELO DEVELOPMENT	45,932	45,932
119	0604274N	NEXT GENERATION JAMMER (NGJ)	243,923	245,423
		High band risk reduction		[10,000]
		Test and evaluation delays		[-8,500]
120	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	234,434	243,417
		Navy Tactical Grid Development for JADC2		[8,983]
121	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	248,096	230,100

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		Contract delays		[-17,996]
122	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	371,575	371,575
123	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	904	904
124	0604329N	SMALL DIAMETER BOMB (SDB)	46,769	46,769
125	0604366N	STANDARD MISSILE IMPROVEMENTS	343,511	343,511
126	0604373N	AIRBORNE MCM	10,881	10,881
127	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	46,121	46,121
129	0604501N	ADVANCED ABOVE WATER SENSORS	77,852	77,852
130	0604503N	SSN-688 AND TRIDENT MODERNIZATION	95,693	95,693
131	0604504N	AIR CONTROL	27,499	27,499
132	0604512N	SHIPBOARD AVIATION SYSTEMS	8,924	8,924
133	0604518N	COMBAT INFORMATION CENTER CONVERSION	11,631	11,631
134	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	96,556	96,556
135	0604530N	ADVANCED ARRESTING GEAR (AAG)	147	147
136	0604558N	NEW DESIGN SSN	503,252	653,252
		SSN Block VI design and advanced capabilities		[150,000]
137	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	62,115	68,115
		Submarine Launched UAS		[6,000]
138	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	54,829	54,829
139	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,290	4,290
140	0604601N	MINE DEVELOPMENT	76,027	76,027
141	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	94,386	94,386
142	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,348	8,348
143	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV.	42,144	42,144
144	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	7,375	7,375
146	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	149,433	149,433
147	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	87,862	87,862
148	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	69,006	69,006
149	0604761N	INTELLIGENCE ENGINEERING	20,684	20,684
150	0604771N	MEDICAL DEVELOPMENT	3,967	11,467
		Program increase – autonomous aerial technology for distributed logistics..		[7,500]
151	0604777N	NAVIGATION/ID SYSTEM	48,837	48,837
152	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	577	577
153	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	262	262
154	0604850N	SSN(X)	29,829	29,829
155	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	11,277	11,277
156	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	243,828	243,828
157	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	8,426	8,426
158	0605180N	TACAMO MODERNIZATION	150,592	90,472
		Unjustified air vehicle acquisition strategy		[-60,120]
159	0605212M	CH-53K RDTE	256,903	256,903
160	0605215N	MISSION PLANNING	88,128	88,128
161	0605217N	COMMON AVIONICS	60,117	92,017
		MAGTF Agile Network Gateway Link (MANGL) Wholeme Tactical.		[31,900]
162	0605220N	SHIP TO SHORE CONNECTOR (SSC)	6,320	6,320
163	0605327N	T-AO 205 CLASS	4,336	4,336
164	0605414N	UNMANNED CARRIER AVIATION (UCA)	268,937	268,937
165	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	356	356
166	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	27,279	27,279
167	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	173,784	173,784
168	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	80,709	80,709
169	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,005	2,005
170	0204202N	DDG-1000	112,576	112,576
174	0304785N	ISR & INFO OPERATIONS	136,140	126,140
		Program decrease		[-10,000]
175	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	26,318	26,318
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	5,910,089	6,027,782
		MANAGEMENT SUPPORT		
176	0604256N	THREAT SIMULATOR DEVELOPMENT	20,862	20,862
177	0604258N	TARGET SYSTEMS DEVELOPMENT	12,113	12,113
178	0604759N	MAJOR T&E INVESTMENT	84,617	84,617
179	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,108	3,108
180	0605154N	CENTER FOR NAVAL ANALYSES	38,590	38,590
183	0605804N	TECHNICAL INFORMATION SERVICES	934	934
184	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	93,966	93,966
185	0605856N	STRATEGIC TECHNICAL SUPPORT	3,538	3,538
186	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	135,149	135,149
187	0605864N	TEST AND EVALUATION SUPPORT	429,277	429,277
188	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	24,872	24,872

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189	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	17,653	17,653
190	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,065	8,065
191	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	47,042	44,042
		Wargaming capability project restructured		[-3,000]
192	0605898N	MANAGEMENT HQ—R&D	35,614	35,614
193	0606355N	WARFARE INNOVATION MANAGEMENT	38,958	38,958
194	0305327N	INSIDER THREAT	2,581	2,581
195	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUP- PORT ACTIVITIES).	1,747	1,747
		SUBTOTAL MANAGEMENT SUPPORT	998,686	995,686
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604840M	F-35 C2D2	515,746	464,146
		TR-3/B4 cost growth		[-51,600]
200	0604840N	F-35 C2D2	481,962	433,762
		TR-3/B4 cost growth		[-48,200]
201	0605520M	MARINE CORPS AIR DEFENSE WEAPONS SYSTEMS (MARFORRES).	65,381	65,381
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	176,486	176,486
203	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	177,098	186,098
		Next Generation Strategic Inertial Measurement Unit		[9,000]
204	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,775	45,775
205	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	64,752	74,752
		MK 5 acoustic device countermeasure		[10,000]
206	0101402N	NAVY STRATEGIC COMMUNICATIONS	35,451	35,451
207	0204136N	F/A-18 SQUADRONS	189,224	193,224
		Jet Noise Reduction Technology		[4,000]
208	0204228N	SURFACE SUPPORT	13,733	13,733
209	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	132,181	132,181
210	0204311N	INTEGRATED SURVEILLANCE SYSTEM	84,276	84,276
211	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	6,261	6,261
212	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	1,657	1,657
213	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	21,367	68,367
		Naval Integrated Fire Control—USMC UPL		[12,000]
		Radar Signal Processor Refresh—USMC UPL		[12,000]
		SENSOR AN/TPS-80 Ground/Air Task-Oriented Radar (G/ ATOR): Air Traffic Control (ATC) Block IV Development— USMC UPL.		[23,000]
214	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	56,741	56,741
215	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	62,006	62,006
216	0205601N	ANTI-RADIATION MISSILE IMPROVEMENT	133,520	123,520
		Program decrease		[-10,000]
217	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	28,804	28,804
218	0205632N	MK-48 ADCAP	114,492	114,492
219	0205633N	AVIATION IMPROVEMENTS	132,486	132,486
220	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	113,760	113,760
221	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	89,897	92,697
		Compact Solid State Antenna (CSSA)—USMC UPL		[2,800]
222	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	9,324	9,324
223	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYS- TEMS.	108,235	108,235
224	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,185	13,185
225	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	37,695	37,695
226	0206629M	AMPHIBIOUS ASSAULT VEHICLE	7,551	7,551
227	0207161N	TACTICAL AIM MISSILES	23,881	23,881
228	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	32,564	32,564
229	0208043N	PLANNING AND DECISION AID SYSTEM (PDAS)	3,101	3,101
234	0303138N	AFLOAT NETWORKS	30,890	44,873
		Navy Tactical Grid Development for JADC2		[8,983]
		Program increase		[5,000]
235	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	33,311	33,311
236	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	7,514	7,514
237	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,837	9,837
238	0305205N	UAS INTEGRATION AND INTEROPERABILITY	9,797	9,797
239	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	38,800	38,800
240	0305220N	MQ-4C TRITON	13,029	13,029
241	0305231N	MQ-8 UAV	26,543	26,543
242	0305232M	RQ-11 UAV	533	533
243	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	1,772	1,772
245	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	59,252	59,252
246	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	9,274	9,274
247	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT ..	36,378	36,378
248	0305421N	RQ-4 MODERNIZATION	134,323	134,323
249	0307577N	INTELLIGENCE MISSION DATA (IMD)	907	907

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Line	Program Element	Item	FY 2022 Request	House Authorized
250	0308601N	MODELING AND SIMULATION SUPPORT	9,772	9,772
251	0702207N	DEPOT MAINTENANCE (NON-IF)	36,880	41,880
		CPF—Defense Industrial Skills and Technology Training		[5,000]
252	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,329	3,329
253A	999999999	CLASSIFIED PROGRAMS	1,872,586	1,872,586
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	5,313,319	5,295,302
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
254	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM.	13,703	13,703
255	0608113N	NAVY NEXT GENERATION ENTERPRISE NETWORK (NGEN)—SOFTWARE PILOT PROGRAM.	955,151	955,151
256	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	14,855	14,855
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	983,709	983,709
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	22,639,362	23,180,993
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	328,303	357,823
		Program increase		[19,520]
		Space Force University Partnerships		[10,000]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	162,403	175,714
		CPF—Neural-enabled Prosthetics		[1,500]
		Program increase		[11,811]
		SUBTOTAL BASIC RESEARCH	490,706	533,537
		APPLIED RESEARCH		
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	79,901	79,901
005	0602102F	MATERIALS	113,460	160,960
		CPF—Affordable Multifunctional Aerospace Composites		[10,000]
		Digital Maintenance Advisor		[7,500]
		Maturation of carbon/carbon thermal protection systems		[5,000]
		Program increase		[25,000]
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	163,032	175,532
		Nano-UAS for the Military Warfighter		[2,500]
		Novel advanced agile air platform technologies		[10,000]
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	136,273	136,273
008	0602203F	AEROSPACE PROPULSION	174,683	174,683
009	0602204F	AEROSPACE SENSORS	193,514	211,214
		Chip-locking microelectronics security		[8,700]
		Cyber Assurance and Assessment of Electronic Hardware Systems		[9,000]
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES.	8,891	8,891
012	0602602F	CONVENTIONAL MUNITIONS	151,757	161,757
		Advanced Propulsion Technology for Hypersonic Systems		[10,000]
013	0602605F	DIRECTED ENERGY TECHNOLOGY	121,869	124,369
		CPF—Directed Energy Research and Education for Workforce Development.		[2,500]
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	169,110	171,110
		CPF—Assessment of a National Laboratory for Transformational Computing.		[2,000]
		SUBTOTAL APPLIED RESEARCH	1,312,490	1,404,690
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	131,643	131,643
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	31,905	61,905
		Composites Research		[15,000]
		Metals affordability research		[15,000]
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	21,057	21,057
020	0603203F	ADVANCED AEROSPACE SENSORS	44,730	54,030
		Authorization Software for Autonomous Sensors		[9,300]
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	70,486	85,486
		Enhanced Capability Hypersonic Airbreathing Testbed		[15,000]
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	75,273	169,773
		CPF—Development of Advanced Propulsion Technologies for Hypersonic Systems.		[5,000]
		Ground Testing of Reusable High Mach Turbine Engines		[20,000]
		Next Generation UAS Propulsion Development		[30,000]
		Reusable High Mach Turbine engine		[29,500]
		Turbine engine technology		[10,000]
023	0603270F	ELECTRONIC COMBAT TECHNOLOGY	46,591	46,591
026	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	24,589	24,589

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Line	Program Element	Item	FY 2022 Request	House Authorized
027	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	157,423	157,423
028	0603605F	ADVANCED WEAPONS TECHNOLOGY	28,258	33,258
		LIDAR CUAS Automated Target Recognition		[5,000]
029	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	45,259	175,259
		Aerospace and defense supply ecosystem		[6,000]
		CPF—Additive Manufacturing and Ultra-High Performance Concrete. Program increase		[95,000]
		Smart Manufacturing Digital Thread Initiative		[10,000]
		Universal robotic controller		[6,000]
		Virtual, Augmented, and Mixed Reality Readiness		[8,000]
030	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION. SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	56,772	56,772
			733,986	1,017,786
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
031	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,795	5,795
032	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	21,939	21,939
033	0603790F	NATO RESEARCH AND DEVELOPMENT	4,114	4,114
034	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	49,621	49,621
036	0604001F	NC3 ADVANCED CONCEPTS	6,900	6,900
037	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	986	986
038	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	203,849	178,849
		Program decrease		[-25,000]
039	0604004F	ADVANCED ENGINE DEVELOPMENT	123,712	380,712
		Project 643608—AETP		[257,000]
040	0604006F	ARCHITECTURE INITIATIVES	82,438	43,438
		Program decrease		[-39,000]
041	0604015F	LONG RANGE STRIKE—BOMBER	2,872,624	2,872,624
042	0604032F	DIRECTED ENERGY PROTOTYPING	10,820	10,820
043	0604033F	HYPERSONICS PROTOTYPING	438,378	438,378
044	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	39,742	39,742
045	0604257F	ADVANCED TECHNOLOGY AND SENSORS	23,745	23,745
046	0604288F	SURVIVABLE AIRBORNE OPERATIONS CENTER	133,253	133,253
047	0604317F	TECHNOLOGY TRANSFER	15,768	15,768
048	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	15,886	15,886
049	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	71,229	71,229
050	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	40,103	40,103
051	0604858F	TECH TRANSITION PROGRAM	343,545	423,545
		NORTHCOM/NORAD—Proliferated Low Earth Orbit Arctic Communications (P-LEO).		[80,000]
052	0605230F	GROUND BASED STRATEGIC DETERRENT	2,553,541	2,553,541
054	0207110F	NEXT GENERATION AIR DOMINANCE	1,524,667	1,474,667
		High-Risk Technology Integration Plan		[-50,000]
055	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)		50,000
		Build Command and Control Framework		[50,000]
056	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	10,905	10,905
057	0208030F	WAR RESERVE MATERIEL—AMMUNITION	3,943	3,943
059	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	43,881	43,881
061	0305601F	MISSION PARTNER ENVIRONMENTS	16,420	16,420
062	0306250F	CYBER OPERATIONS TECHNOLOGY SUPPORT	242,499	242,499
063	0306415F	ENABLED CYBER ACTIVITIES	16,578	16,578
066	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	20,343	20,343
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	8,937,224	9,210,224
		SYSTEM DEVELOPMENT & DEMONSTRATION		
078	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	23,499	23,499
079	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	167,520	167,520
080	0604222F	NUCLEAR WEAPONS SUPPORT	30,050	30,050
081	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,110	7,110
		Program increase—Ultra-Wideband Receiver		[5,000]
082	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	169,836	169,836
083	0604287F	PHYSICAL SECURITY EQUIPMENT	8,469	8,469
085	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,047	9,047
086	0604604F	SUBMUNITIONS	2,954	2,954
087	0604617F	AGILE COMBAT SUPPORT	16,603	16,603
089	0604706F	LIFE SUPPORT SYSTEMS	25,437	25,437
090	0604735F	COMBAT TRAINING RANGES	23,980	23,980
092	0604932F	LONG RANGE STANDOFF WEAPON	609,042	609,042
093	0604933F	ICBM FUZE MODERNIZATION	129,709	129,709
095	0605056F	OPEN ARCHITECTURE MANAGEMENT	37,109	37,109
096	0605221F	KC-46	1	1
097	0605223F	ADVANCED PILOT TRAINING	188,998	169,998
		MS-C Delay		[-18,900]

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Line	Program Element	Item	FY 2022 Request	House Authorized
098	0605229F	HH-60W	66,355	30,506
		Early to need—capability upgrades and modernization		[-35,849]
101	0207171F	F-15 EPAWSS	112,012	112,012
102	0207328F	STAND IN ATTACK WEAPON	166,570	161,551
		Program decrease		[-5,000]
		SAW Acq Strategy Change		[-19]
103	0207701F	FULL COMBAT MISSION TRAINING	7,064	16,564
		Airborne Augmented Reality Technology		[9,500]
105	0401221F	KC-46A TANKER SQUADRONS	73,458	62,458
		RVS testing early to need		[-11,000]
107	0401319F	VC-25B	680,665	584,665
		Early to need		[-96,000]
108	0701212F	AUTOMATED TEST SYSTEMS	15,445	15,445
109	0804772F	TRAINING DEVELOPMENTS	4,482	4,482
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	2,570,315	2,418,047
		MANAGEMENT SUPPORT		
124	0604256F	THREAT SIMULATOR DEVELOPMENT	41,909	63,946
		Commercial Physics-Based Simulation and Modeling Technology ..		[5,000]
		Program increase		[17,037]
125	0604759F	MAJOR T&E INVESTMENT	130,766	133,766
		Gulf Test Range and Training Enhancements		[3,000]
126	0605101F	RAND PROJECT AIR FORCE	36,017	36,017
128	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	12,582	12,582
129	0605807F	TEST AND EVALUATION SUPPORT	811,032	803,032
		Program decrease		[-8,000]
131	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS	243,796	243,796
132	0605828F	ACQ WORKFORCE- GLOBAL REACH	435,930	435,930
133	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS	435,274	435,274
135	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	243,806	243,806
136	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	103,041	103,041
137	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	226,055	226,055
138	0605898F	MANAGEMENT HQ—R&D	4,079	4,079
139	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	70,788	70,788
140	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	30,057	30,057
141	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	85,799	75,799
		Program decrease		[-10,000]
142	0606398F	MANAGEMENT HQ—T&E	6,163	6,163
143	0303166F	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	537	537
144	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM.	25,340	45,340
		Establishment of Rapid Engineering Architecture Engineering Hub—collaborative research network.		[10,000]
		Establishment of Rapid Engineering Architecture Engineering Hub—prototype development.		[10,000]
145	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	28,720	28,720
146	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	37,211	37,211
147	0804731F	GENERAL SKILL TRAINING	1,506	1,506
148	0804772F	TRAINING DEVELOPMENTS	2,957	2,957
150	1001004F	INTERNATIONAL ACTIVITIES	2,420	2,420
156	1206864F	SPACE TEST PROGRAM (STP)	3	3
		SUBTOTAL MANAGEMENT SUPPORT	3,015,788	3,042,825
		OPERATIONAL SYSTEMS DEVELOPMENT		
157	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	5,509	5,509
158	0604445F	WIDE AREA SURVEILLANCE	2,760	2,760
160	0604840F	F-35 C2D2	985,404	886,904
		TR-3/B4 cost growth		[-98,500]
161	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) ..	22,010	22,010
162	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	51,492	51,492
163	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	71,391	71,391
164	0605278F	HC/MC-130 RECAP RDT&E	46,796	46,796
165	0606018F	NC3 INTEGRATION	26,532	26,532
167	0101113F	B-52 SQUADRONS	715,811	525,811
		Program decrease		[-43,000]
		CERP contract delay early to need		[-147,000]
168	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453
169	0101126F	B-1B SQUADRONS	29,127	29,127
170	0101127F	B-2 SQUADRONS	144,047	144,047
171	0101213F	MINUTEMAN SQUADRONS	113,622	113,622
172	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	15,202	15,202
174	0101328F	ICBM REENTRY VEHICLES	96,313	96,313
176	0102110F	UH-1N REPLACEMENT PROGRAM	16,132	16,132
177	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	771	771

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178	0102412F	NORTH WARNING SYSTEM (NWS)	99	25,199
		NORTHCOM/NORAD—Over the Horizon Radar		[25,100]
179	0102417F	OVER-THE-HORIZON BACKSCATTER RADAR	42,300	42,300
180	0202834F	VEHICLES AND SUPPORT EQUIPMENT—GENERAL	5,889	5,889
181	0205219F	MQ-9 UAV	85,135	84,121
		Early to need—program protection technology insertion		[-1,014]
182	0205671F	JOINT COUNTER ROICED ELECTRONIC WARFARE	3,111	3,111
183	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	36,607	36,607
184	0207131F	A-10 SQUADRONS	39,224	39,224
185	0207133F	F-16 SQUADRONS	224,573	224,573
186	0207134F	F-15E SQUADRONS	239,616	239,616
187	0207136F	MANNED DESTRUCTIVE SUPPRESSION	15,855	15,855
188	0207138F	F-22A SQUADRONS	647,296	647,296
189	0207142F	F-35 SQUADRONS	69,365	64,475
		TR-3/B4 delay		[-4,890]
190	0207146F	F-15EX	118,126	118,126
191	0207161F	TACTICAL AIM MISSILES	32,974	32,974
192	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	51,288	51,288
193	0207227F	COMBAT RESCUE—PARARESCUE	852	852
194	0207247F	AF TENCAP	23,685	23,685
195	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	12,083	12,083
196	0207253F	COMPASS CALL	91,266	91,266
197	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	103,715	103,715
198	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	117,325	117,325
199	0207327F	SMALL DIAMETER BOMB (SDB)	27,109	27,109
200	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	3	3
201	0207412F	CONTROL AND REPORTING CENTER (CRC)	9,875	9,875
202	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	171,014	171,014
203	0207418F	AFSPECWAR—TACP	4,598	4,598
205	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	21,863	21,863
206	0207438F	THEATER BATTLE MANAGEMENT (TBM) CH	7,905	7,905
207	0207439F	ELECTRONIC WARFARE INTEGRATED REPROGRAMMING (EWIR)	15,000	15,000
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	13,081	13,081
209	0207452F	DCAPES	4,305	4,305
210	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,984	1,984
211	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	7,392	7,392
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	1,971	1,971
213	0207590F	SEEK EAGLE	30,539	30,539
214	0207601F	USAF MODELING AND SIMULATION	17,110	17,110
215	0207605F	WARGAMING AND SIMULATION CENTERS	7,535	7,535
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	32,008	32,008
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,007	4,007
218	0208006F	MISSION PLANNING SYSTEMS	92,557	92,557
219	0208007F	TACTICAL DECEPTION	489	489
220	0208064F	OPERATIONAL HQ—CYBER	2,115	2,115
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	72,487	72,487
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	18,449	18,449
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	79,079	79,079
224	0208099F	UNIFIED PLATFORM (UP)	101,893	101,893
228	0208288F	INTEL DATA APPLICATIONS	493	493
229	0301025F	GEOBASE	2,782	2,782
231	0301113F	CYBER SECURITY INTELLIGENCE SUPPORT	5,224	5,224
238	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS	2,463	2,463
239	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) ...	26,331	26,331
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	20,700	20,700
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	8,032	8,032
243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	452	452
244	0303248F	ALL DOMAIN COMMON PLATFORM	64,000	64,000
246	0304260F	AIRBORNE SIGINT ENTERPRISE	97,546	93,546
		Excess carryover—Special projects		[-4,000]
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	3,770	8,770
		CPF—Mobilizing Civilian Expertise for National Security Education on Geo-Economics, and Innovation in the Era of Great Power Competition		[5,000]
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,663	1,663
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	18,888	15,888
		Excess to need		[-3,000]
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,672	4,672
254	0305103F	CYBER SECURITY INITIATIVE	290	290
255	0305111F	WEATHER SERVICE	26,228	36,228
		Commercial Weather Data Pilot		[10,000]
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	8,749	8,749
257	0305116F	AERIAL TARGETS	1,528	1,528
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	223	223

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Line	Program Element	Item	FY 2022 Request	House Authorized
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	8,733	8,733
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	21,335	21,335
265	0305202F	DRAGON U-2	17,146	36,146
		ASARS processor and antenna development—AF UPL		[19,000]
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	71,791	167,091
		ASARS processor and antenna development—AF UPL		[67,000]
		Program increase—Sensor Open Systems Architecture (SOSA) High Altitude Project.		[10,000]
		Wide Area Motion Imagery sensor improvements		[18,300]
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,799	14,799
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	24,568	24,568
270	0305220F	RQ-4 UAV	83,124	83,124
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	17,224	17,224
272	0305238F	NATO AGS	19,473	19,473
273	0305240F	SUPPORT TO DCGS ENTERPRISE	40,421	40,421
274	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	14,473	14,473
275	0305881F	RAPID CYBER ACQUISITION	4,326	4,326
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,567	2,567
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,169	6,169
278	0401115F	C-130 AIRLIFT SQUADRON	9,752	9,752
279	0401119F	C-5 AIRLIFT SQUADRONS (IF)	17,507	17,507
280	0401130F	C-17 AIRCRAFT (IF)	16,360	16,360
281	0401132F	C-130J PROGRAM	14,112	14,112
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,540	5,540
283	0401218F	KC-135S	3,564	3,564
285	0401318F	CV-22	17,189	17,189
286	0408011F	SPECIAL TACTICS / COMBAT CONTROL	6,640	6,640
288	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	26,921	26,921
289	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	7,071	7,071
291	0804743F	OTHER FLIGHT TRAINING	1,999	1,999
293	0901202F	JOINT PERSONNEL RECOVERY AGENCY	1,841	1,841
294	0901218F	CIVILIAN COMPENSATION PROGRAM	3,560	3,560
295	0901220F	PERSONNEL ADMINISTRATION	3,368	3,368
296	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,248	1,248
297	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	4,852	4,852
301	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	6,737	6,737
316A	999999999	CLASSIFIED PROGRAMS	15,868,973	15,708,973
		Program decrease		[-160,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	21,705,541	21,398,537
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
317	0608158F	STRATEGIC MISSION PLANNING AND EXECUTION SYSTEM—SOFTWARE PILOT PROGRAM.	96,100	96,100
318	0608410F	AIR & SPACE OPERATIONS CENTER (AOC)—SOFTWARE PILOT PROGRAM.	186,915	166,915
		Program decrease		[-20,000]
319	0608920F	DEFENSE ENTERPRISE ACCOUNTING AND MANAGEMENT SYSTEM (DEAMS)—SOFTWARE PILOT PRO.	135,263	135,263
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	418,278	398,278
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	39,184,328	39,423,924
		RDTE, SPACE FORCE APPLIED RESEARCH		
001	1206601SF	SPACE TECHNOLOGY	175,796	240,796
		Hybrid Space Architecture		[20,000]
		Space Power and Collection Technology		[35,000]
		University Consortium Space Technology Development		[10,000]
		SUBTOTAL APPLIED RESEARCH	175,796	240,796
		ADVANCED TECHNOLOGY DEVELOPMENT		
002	1206616SF	SPACE ADVANCED TECHNOLOGY DEVELOPMENT/DEMO	76,653	137,653
		Accelerate Cislunar Flight Experiment UPL		[61,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	76,653	137,653
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
003	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	434,194	434,194
004	1203710SF	EO/IR WEATHER SYSTEMS	162,274	162,274
005	1203905SF	SPACE SYSTEM SUPPORT	37,000	0

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Line	Program Element	Item	FY 2022 Request	House Authorized
		Surface Warfare Analysis Center, insufficient justification – partial transfer to SSDP.		[-37,000]
006	1206422SF	WEATHER SYSTEM FOLLOW-ON	61,521	71,521
		Program Increase		[10,000]
007	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	123,262	123,262
008	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	101,851	129,851
		Expand Blackjack Radio Frequency Payloads UPL		[28,000]
009	1206438SF	SPACE CONTROL TECHNOLOGY	32,931	32,931
010	1206730SF	SPACE SECURITY AND DEFENSE PROGRAM	56,546	81,546
		Program increase		[15,000]
		Transfer from Surface Warfare Analysis Center		[10,000]
011	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	100,320	100,320
012	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	243,285	243,285
013	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	160,056	160,056
014	1206857SF	SPACE RAPID CAPABILITIES OFFICE	66,193	69,093
		High Power Density Structural Heat Spreaders		[2,900]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	1,579,433	1,608,333
		SYSTEM DEVELOPMENT & DEMONSTRATION		
015	1203269SF	GPS III FOLLOW-ON (GPS III-F)	264,265	264,265
016	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	56,279	56,279
017	1206421SF	COUNTERSPACE SYSTEMS	38,063	38,063
018	1206422SF	WEATHER SYSTEM FOLLOW-ON	1,438	1,438
019	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	127,026	136,026
		Space domain rapid innovation pathfinders UPL		[9,000]
020	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	28,218	28,218
021	1206432SF	POLAR MILSATCOM (SPACE)	127,870	127,870
022	1206442SF	NEXT GENERATION OPIR	2,451,256	2,451,256
023	1206445SF	COMMERCIAL SATCOM (COMSATCOM) INTEGRATION	23,400	23,400
024	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD.	221,510	280,710
		Liquid Oxygen Explosive Tests UPL		[9,200]
		Maintain competition for Pl3 – DoD unique requirements		[50,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,339,325	3,407,525
		MANAGEMENT SUPPORT		
025	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	19,319	19,319
026	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	214,051	214,051
027	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	12,119	12,119
028	1206759SF	MAJOR T&E INVESTMENT—SPACE	71,503	81,503
		Increase SCN Antenna Resources		[10,000]
029	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,769	21,769
		CPF—Small Rocket Program		[4,000]
030	1206862SF	TACTICALLY RESPONSIVE LAUNCH		50,000
		Continue FY 2021 efforts		[50,000]
031	1206864SF	SPACE TEST PROGRAM (STP)	20,881	20,881
		SUBTOTAL MANAGEMENT SUPPORT	355,642	419,642
		OPERATIONAL SYSTEM DEVELOPMENT		
033	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	4,731	4,731
034	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	156,788	156,788
035	1203040SF	DCO-SPACE	2,150	2,150
036	1203109SF	NARROWBAND SATELLITE COMMUNICATIONS	112,012	112,012
037	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	36,810	36,810
038	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	1,966	1,966
039	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	1,699	5,699
		Improve operations of payload adapter UPL		[4,000]
040	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	18,054	33,354
		NSTTR Digital Core Services UPL		[15,300]
041	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,115	33,115
		High-Fidelity Open-Air Scene Target Generator		[10,000]
		CPF—Tactically Responsive Launch/Deployable Spaceport		[7,000]
		Program Increase		[5,000]
042	1203265SF	GPS III SPACE SEGMENT	7,207	7,207
043	1203330SF	SPACE SUPERIORITY ISR	18,109	18,109
044	1203620SF	NATIONAL SPACE DEFENSE CENTER	1,280	1,280
045	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	12,292	12,292
046	1203906SF	NCMC—TWAA SYSTEM	9,858	9,858
047	1203913SF	NUDET DETECTION SYSTEM (SPACE)	45,887	45,887
048	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	64,763	64,763
049	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	413,766	413,766
053	1206770SF	ENTERPRISE GROUND SERVICES	191,713	191,713
053A	999999999	CLASSIFIED PROGRAMS	4,474,809	4,474,809

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Line	Program Element	Item	FY 2022 Request	House Authorized
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	5,585,009	5,626,309
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS		
054	1203614SF	JSPOC MISSION SYSTEM	154,529	154,529
		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS.	154,529	154,529
		TOTAL RDTE, SPACE FORCE	11,266,387	11,594,787
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	11,828	12,705
		Program increase		[877]
002	0601101E	DEFENSE RESEARCH SCIENCES	395,781	454,281
		Adversary Influence Operations (IO) – Detection, Modeling, Mitigation..		[10,000]
		Artificial Intelligence (AI) – Trustworthy, Human Integrated, Robust.		[10,000]
		Biotechnology for Challenging Environments		[7,000]
		CPF—Novel Analytical and Empirical Approaches to the Prediction and Monitoring of Disease Transmission.		[1,500]
		ERI 2.0		[20,000]
		High Assurance Software Systems – Resilient, Adaptable, Trustworthy.		[10,000]
003	0601108D8Z	HIGH ENERGY LASER RESEARCH INITIATIVES	15,390	15,390
004	0601110D8Z	BASIC RESEARCH INITIATIVES	39,828	114,361
		Consortium to Study Irregular Warfare		[8,000]
		CPF—Florida Memorial University Department of Natural Sciences STEM Equipment.		[400]
		CPF—SOUTHCOM Enhanced Domain Awareness (EDA) Initiative.		[1,300]
		Interagency AI Standards		[3,300]
		Minerva research initiative restoration		[13,000]
		MURI R&D Partnerships with allies—program enhancement		[20,000]
		Program increase		[4,533]
		Providing Research and End-user Products to Accelerate Readiness and Environmental Security (PREPARES).		[24,000]
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	76,018	81,018
		Assessing Immune Memory		[5,000]
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	112,195	132,195
		Civics education		[2,000]
		CPF—Florida Memorial Avionics Smart Scholars		[1,000]
		SMART scholarships for AI related education		[13,000]
		SMART scholarships program increase		[4,000]
007	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	31,136	73,247
		CPF—Augmenting Quantum Sensing Research, Education and Training in DoD CoE at DSU.		[1,111]
		CPF—HBCU Training for the Future of Aerospace		[1,000]
		Diversity in SMART Scholarships		[20,000]
		Program increase		[20,000]
008	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	34,708	39,708
		Chemically Resistant, High-Performance Military Cordage, Rope, and Webbing.		[5,000]
		SUBTOTAL BASIC RESEARCH	716,884	922,905
		APPLIED RESEARCH		
009	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,591	19,591
010	0602115E	BIOMEDICAL TECHNOLOGY	108,698	118,698
		Bridging the Gap After Spinal Cord Injury		[5,000]
		Non-Invasive Neurotechnology Rehabilitation Take Home Trials ..		[5,000]
012	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	22,918	32,918
		Artificial Intelligence (AI) – Trustworthy, Human Integrated, Robust.		[10,000]
013	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	55,692	55,692
014	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	65,015	265,015
		AI Research and Development		[200,000]
015	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	430,363	755,363
		High Assurance Software Systems – Resilient, Adaptable, Trustworthy.		[15,000]
		Program increase—artificial intelligence		[250,000]
		Underexplored Approaches to Utility-Scale Quantum Computing ..		[60,000]
016	0602383E	BIOLOGICAL WARFARE DEFENSE	31,421	31,421
017	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	206,956	213,456
		Biodetection System for Joint Force Infrastructure Protection		[6,500]
018	0602668D8Z	CYBER SECURITY RESEARCH	15,380	35,380

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Line	Program Element	Item	FY 2022 Request	House Authorized
		AI-enabled cyber defense acceleration study		[10,000]
		Program increase		[10,000]
019	0602702E	TACTICAL TECHNOLOGY	202,515	249,515
		Adapting Cross-domain Kill-Webs (ACK)		[2,000]
		Adversary Influence Operations (IO) – Detection, Modeling, Mitigation..		[15,000]
		MADFIRES		[30,000]
020	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	317,024	398,624
		Adaptive Immunomodulation-Based Therapeutics (ElectRx)		[4,600]
		Agile Chemical Manufacturing Technologies (ACMT)		[20,000]
		Bioengineered Electronics and Electromagnetic Devices (Bio-INC)		[6,000]
		Bioremediation of Battlefields		[7,000]
		Maritime Materials Technologies (M2T)		[5,000]
		Materiel Protection through Biologics		[5,000]
		Neuroprotection through Brain Injury		[9,000]
		Regenerative Engineering for Complex Tissue Regeneration & Limb Reconstruction.		[5,000]
		Scalable and Affordable Mapping of U.S. Critical Mineral Resources.		[20,000]
021	0602716E	ELECTRONICS TECHNOLOGY	357,384	393,384
		ERI 2.0		[36,000]
022	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	197,011	197,011
023	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	9,601	9,601
024	0602890D8Z	HIGH ENERGY LASER RESEARCH	45,997	115,997
		Directed Energy Innovation—Improved beam control		[50,000]
		Joint Directed Energy Transition Office		[20,000]
025	1160401BB	SOF TECHNOLOGY DEVELOPMENT	44,829	54,829
		Brain Health Research and Treatment, Cognitive Performance		[5,000]
		POTPF—Brain Health Research		[5,000]
		SUBTOTAL APPLIED RESEARCH	2,130,395	2,946,495
		ADVANCED TECHNOLOGY DEVELOPMENT		
026	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,213	23,213
027	0603121D8Z	SOLIC ADVANCED DEVELOPMENT	4,665	4,665
028	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	69,376	69,376
029	0603133D8Z	FOREIGN COMPARATIVE TESTING	25,432	25,432
031	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	399,362	404,362
		Reduced order models		[5,000]
032	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT ...	15,800	29,700
		BATMAA BMDS Advanced Technoloy		[8,700]
		Improvements to MDS Cybersecurity UPL		[5,200]
033	0603180C	ADVANCED RESEARCH	21,466	21,466
034	0603183D8Z	JOINT HYPERSONIC TECHNOLOGY DEVELOPMENT &TRANSITION.	51,340	51,340
035	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	19,063	19,063
036	0603286E	ADVANCED AEROSPACE SYSTEMS	174,043	273,043
		Glide Breaker		[20,000]
		HAWC		[27,000]
		Hypersonic Air-Breathing Weapon Concept (HAWC)		[10,000]
		OpFires		[27,000]
		Tactical Boost Glide (TBG)		[15,000]
037	0603287E	SPACE PROGRAMS AND TECHNOLOGY	101,524	186,524
		Blackjack critical risk reduction		[25,000]
		Blackjack schedule assurance		[30,000]
		Robotic Servicing of Geosynchronous Satellites (RSGS)		[30,000]
038	0603288D8Z	ANALYTIC ASSESSMENTS	24,012	34,012
		Analytic Assessments		[10,000]
039	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	51,513	56,513
		Innovative operational concepts		[5,000]
042	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING	115,443	138,443
		Defense Critical Supply Chain Documentation and Monitoring		[3,000]
		WLIF AI-enabled applications		[20,000]
043	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	31,873	31,873
044	0603375D8Z	TECHNOLOGY INNOVATION	54,433	54,433
045	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	197,824	197,824
046	0603527D8Z	RETRACT LARCH	99,175	99,175
047	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	18,221	38,221
		Accelerating Joint Electronic Advanced Technologies		[20,000]
048	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	102,669	102,669
049	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	2,984	9,984
		Cross-domain EMS communications capability		[7,000]
050	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	134,022	476,322
		Additive manufacturing training		[5,000]

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		Biotechnology innovation—Enabling Modular and Scalable Bio-industrial & Reusable Assets.		[200,000]
		CPF—Cold Spray and Rapid Deposition Lab		[1,300]
		HPC-enabled advanced manufacturing		[15,000]
		Hypersonics material innovation—Silicon carbide matrix materials		[100,000]
		Non-destructive evaluation of carbon-carbon composites		[3,000]
		Program increase		[15,000]
		Virtual reality-enabled smart installation experimentation		[3,000]
051	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	37,543	68,543
		Demonstration of automotive aftermarket capabilities		[6,000]
		Modeling and Simulation Innovation Competition		[10,000]
		Program increase		[5,000]
		Steel Performance Initiative		[10,000]
052	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT ...		202,400
		AI Fund		[200,000]
		NORTHCOM/NORAD—Polar Over the Horizon Radar (POTHR)		[2,400]
053	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	12,418	12,418
054	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	51,863	81,863
		AFFF replacement		[15,000]
		PFAS environmental remediation and disposal		[15,000]
055	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	160,821	160,821
056	0603727D8Z	JOINT WARFIGHTING PROGRAM	2,169	2,169
057	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	116,716	140,716
		ERI 2.0		[24,000]
058	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	251,794	345,394
		Classified increase		[21,000]
		Deep water active sonar		[15,000]
		Network UP		[5,000]
		Program increase—artificial intelligence		[50,000]
		SHARE alignment with OTNK research		[1,100]
		SHARE ICN performance enhancements for operational use		[1,500]
059	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	584,771	679,246
		Air Combat Evolution (ACE)		[8,200]
		Assault Breaker II		[50,000]
		Classified increase		[20,400]
		Ocean of Things (OoT)		[875]
		Ocean of Things phase 3 demonstration		[10,000]
		Timely Information for Maritime Engagements (TIMEly)		[5,000]
060	0603767E	SENSOR TECHNOLOGY	294,792	367,392
		Classified increase		[27,800]
		SECTRE Munitions Digital Twin for in Theater/Flight Target Additions and Performance Improvements.		[4,400]
		Systems of Systems-Enhanced Small Units (SESU)		[4,400]
		Thermal Imaging Technology Experiment-Recon (TITE-R)		[36,000]
061	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	6,398	9,198
		Systems of Systems-Enhanced Small Units (SESU)		[2,800]
062	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	14,677	14,977
		CODE enhancements for SESU		[300]
065	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	107,397	129,397
		Short pulse laser research		[10,000]
		Thermal management scaling		[12,000]
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	267,161	267,161
067	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK	21,270	40,000
		Program increase		[18,730]
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	74,300	74,300
070	0303310D8Z	CWMD SYSTEMS		5,000
		Data storage capabilities for special operations forces		[5,000]
071	0303367D8Z	SPECTRUM ACCESS RESEARCH AND DEVELOPMENT		100,000
		Spectrum Management Analysis		[50,000]
		Spectrum Management Architecture		[20,000]
		Spectrum Management Modules for Fielded Systems		[30,000]
074	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	93,415	98,415
		SOF Platform Agnostic Data Storage Capability		[5,000]
075	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.	172,638	172,638
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	4,007,596	5,319,701
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
076	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,687	28,687
077	0603600D8Z	WALKOFF	108,652	108,652
078	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES.		130,000
		CDO for ADA		[5,000]

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)

Line	Program Element	Item	FY 2022 Request	House Authorized
		CDO: Enterprise data sets		[125,000]
079	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM. AFFP innovation prize	71,429	96,429
		AFFP replacement		[5,000]
		Environmental remediation and disposal		[10,000]
		Military Energy Resilience Catalyst		[5,000]
080	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT. Program increase	277,949	277,949
		Unjustified request, lacking acquisition strategy—LHD		[64,567]
081	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT. Ensure BMD Interceptors do not fall below 40	745,144	795,144
082	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DE/VAL.	129,445	129,445
083	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	224,750	227,762
		Improvements to MDS Cybersecurity UPL		[3,012]
084	0603890C	BMD ENABLING PROGRAMS	595,301	687,297
		Cruise Missile Defense for HLD (NORTHCOM/NORAD—Elevated Radar). Improvements to MDS Cybersecurity UPL		[27,000]
		Pacing the Threat		[44,830]
085	0603891C	SPECIAL PROGRAMS—MDA	413,374	[20,166]
086	0603892C	AEGIS BMD	732,512	413,374
		Navy SPY Radar Digital Upgrade		780,912
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI. Improvements to MDS Cybersecurity UPL	603,448	609,928
		JADC2 Interface		[4,480]
088	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	50,594	50,594
089	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	52,403	52,403
090	0603906C	REGARDING TRENCH	11,952	11,952
091	0603907C	SEA BASED X-BAND RADAR (SBX)	147,241	147,241
092	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
093	0603914C	BALLISTIC MISSILE DEFENSE TEST	362,906	362,906
094	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	553,334	578,334
		Advanced Target Front End Configuration 3 Tech Maturation		[5,000]
		Architecture RTS Development		[10,000]
		MDS Architecture IAC Prototype		[10,000]
096	0603923D8Z	COALITION WARFARE	5,103	5,103
097	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G).	374,665	374,665
098	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,259	3,259
099	0604102C	GUAM DEFENSE DEVELOPMENT	78,300	272,750
		Guam Defense System		[194,450]
100	0604115C	TECHNOLOGY MATURATION INITIATIVES		34,000
		Continue Diode Pumped Alkali Laser Demonstrator Development		[25,000]
		Short Pulse Laser Directed Energy Demonstration		[9,000]
103	0604181C	HYPERSONIC DEFENSE	247,931	309,931
		Program increase		[62,000]
104	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	716,456	816,456
		Mission-Based Acquisition		[100,000]
		Program decrease		[8,000]
		Program increase		[8,000]
105	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	509,195	548,995
		Advanced Analog & Mixed Signal Microelectronics Design and Manufacturing. Radiation-Hardened Application Specific Integrated Circuits		[6,800]
		Trusted and Assured GaN and GaAs RFIC Technology		[18,000]
106	0604331D8Z	RAPID PROTOTYPING PROGRAM	103,575	182,575
		ADA network resiliency/cloud		[79,000]
107	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	11,213	26,213
		National Security Innovation Capital program increase		[15,000]
108	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,778	2,778
109	0604551BR	CATAPULT	7,166	7,166
110	0604555D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT—NON S&T.	23,200	23,200
111	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H)		75,000
		Restore program		[75,000]
113	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,519	3,519
114	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	17,439	17,439
115	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	133,335	133,335

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2022 Request	House Authorized
116	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	926,125	926,125
117	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	32,697	32,697
118	0604878C	AEGIS BMD TEST	117,055	117,055
119	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	77,428	77,428
120	0604880C	LAND-BASED SM-3 (LBSM3)	43,158	43,158
121	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	61,424	61,424
122	0202057C	SAFETY PROGRAM MANAGEMENT	2,323	2,323
123	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,568	2,568
125	0305103C	CYBER SECURITY INITIATIVE	1,142	1,142
126	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING ... Laser Communication Terminal Technologies	636,179	642,179 [6,000]
127	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	15,176	15,176
128	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS ..	292,811	292,811
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	9,854,341	10,839,479
		SYSTEM DEVELOPMENT & DEMONSTRATION		
129	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	5,682	5,682
131	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD Joint Vaccine Acquisition Program	299,848	370,328 [70,480]
132	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	9,345	9,345
133	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	14,063	14,063
134	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	4,265	4,265
135	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	7,205	7,205
136	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	5,447	5,447
137	0605027D8Z	OSD(C) IT DEVELOPMENT INITIATIVES	16,892	34,892 [18,000]
138	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	679	679
140	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM	32,254	32,254
142	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS).	5,500	5,500
143	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	7,148	7,148
144	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	113,895	113,895
146	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,991	3,991
149	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEM).	2,227	2,227
150	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	20,246	20,246
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	548,687	637,167
		MANAGEMENT SUPPORT		
151	0603829J	JOINT CAPABILITY EXPERIMENTATION	8,444	8,444
152	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	7,508	7,508
153	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	7,859	7,859
154	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP). Support Funding for Cyber Resiliency	550,140	551,040 [900]
155	0604942D8Z	ASSESSMENTS AND EVALUATIONS	17,980	17,980
156	0605001E	MISSION SUPPORT	73,145	73,145
157	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	71,410	71,410
159	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	52,671	52,671
161	0605142D8Z	SYSTEMS ENGINEERING	40,030	40,030
162	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	4,612	4,612
163	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	14,429	14,429
164	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	4,759	4,759
165	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,952	1,952
166	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	110,503	110,503
172	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER. Transition education for DEPSCoR and underserved communities	3,639	8,639 [5,000]
173	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	25,889	63,889 [38,000]
174	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	39,774	257,774 [10,000] [140,000]
		ISR & information operations		
		PNT Modernization—Signals of Opportunity		
		Spectrum Innovation—Low SWaP-C directional sources		[68,000]
175	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	61,453	61,453
176	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	18,762	18,762
177	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	27,366	27,366

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2022 Request	House Authorized
178	0605898E	MANAGEMENT HQ—R&D	12,740	12,740
179	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	3,549	3,549
180	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	15,438	15,438
181	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	2,897	2,897
182	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT	918	918
183	0606771D8Z	CYBER RESILIENCY AND CYBERSECURITY POLICY	31,638	31,638
184	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,925	2,925
185	0204571J	JOINT STAFF ANALYTICAL SUPPORT	977	977
186	0208045K	C4I INTEROPERABILITY	55,361	60,361
		Joint Warfighting Network Architecture		[5,000]
189	0303140SE	INFORMATION SYSTEMS SECURITY PROGRAM	853	853
191	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	969	969
192	0305172K	COMBINED ADVANCED APPLICATIONS	15,696	15,696
194	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,073	3,073
197	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA	29,530	67,530
		AFRICOM—Joint Exercise Program		[18,000]
		CENTCOM—CE2T2 EAGER LION Exercises		[20,000]
198	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI)	689	689
199	0901598C	MANAGEMENT HQ—MDA	24,102	24,102
200	0903235K	JOINT SERVICE PROVIDER (JSP)	2,645	2,645
201A	999999999	CLASSIFIED PROGRAMS	37,520	37,520
		SUBTOTAL MANAGEMENT SUPPORT	1,383,845	1,688,745
		OPERATIONAL SYSTEMS DEVELOPMENT		
202	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	5,355	5,355
203	0604532K	JOINT ARTIFICIAL INTELLIGENCE	10,033	267,833
		AI-enabled logistics and sustainment		[100,000]
		Commercial AI for Business Applications		[100,000]
		JAIC for ADA		[57,800]
206	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	58,189	162,189
		3D Heterogeneous Integration and Advanced Packaging for Microelectronics		[16,600]
		Accelerated Training in Defense Manufacturing (ATDM) Pilot		[15,400]
		Advanced Shipbuilding Workforce Development		[10,000]
		Carbon/carbon industrial base enhancement		[15,000]
		Directed Energy Supply Chain Assurance		[2,000]
		Machine and Advanced Manufacturing—LACMI		[20,000]
		Program increase		[20,000]
		Radar Resiliency		[5,000]
207	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	18,721	18,721
208	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS)	7,398	7,398
209	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	58,261	58,261
215	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,233	16,233
216	0303126K	LONG-HAUL COMMUNICATIONS—DCS	10,275	10,275
217	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	4,892	4,892
218	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	83,751	83,751
219	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	49,191	49,191
220	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	423,745	600,845
		Hardening DOD Networks		[12,100]
		ISSP for GENCYBER		[15,000]
		JFHQ DODIN Staffing and Tools		[150,000]
221	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	5,707	5,707
222	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	4,150	4,150
223	0303153K	DEFENSE SPECTRUM ORGANIZATION	19,302	19,302
224	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,342	9,342
226	0303430V	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY	15,326	15,326
232	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	8,800	8,800
235	0305146V	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	3,820	3,820
237	0305186D8Z	POLICY R&D PROGRAMS	4,843	4,843
238	0305199D8Z	NET CENTRICITY	13,471	13,471
240	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,994	5,994
247	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	1,273	1,273
255	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,690	1,690
256	0708012S	PACIFIC DISASTER CENTERS	1,799	1,799
257	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	6,390	6,390
259	1105219BB	MQ-9 UAV	19,065	19,065
261	1160403BB	AVIATION SYSTEMS	173,537	173,537
262	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	32,766	32,766

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2022 Request	House Authorized
263	1160408BB	OPERATIONAL ENHANCEMENTS	145,830	213,830
		AI in Small Unit Maneuver (AISUM)		[50,000]
		High-energy laser technologies		[5,000]
		Mobile Compact High Energy Laser (MCHEL)		[13,000]
264	1160431BB	WARRIOR SYSTEMS	78,592	82,803
		SOCOM—Maritime Scalable Effects Acceleration		[4,211]
265	1160432BB	SPECIAL PROGRAMS	6,486	6,486
266	1160434BB	UNMANNED ISR	18,006	18,006
267	1160480BB	SOF TACTICAL VEHICLES	7,703	7,703
268	1160483BB	MARITIME SYSTEMS	58,430	58,430
270	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	10,990	10,990
271A	9999999999	CLASSIFIED PROGRAMS	5,208,029	5,208,029
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	6,607,385	7,218,496
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
272	0604532K	JOINT ARTIFICIAL INTELLIGENCE	186,639	186,639
273	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES— SOFTWARE PILOT PROGRAM.	123,570	123,570
274	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	18,307	18,307
275	0308150K	GLOBAL COMMAND AND CONTROL SYSTEM	32,774	32,774
276	0308588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS— SOFTWARE PILOT PROGRAM.	247,452	283,452
		MAVEN for ADA		[36,000]
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	608,742	644,742
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	25,857,875	30,217,730
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	105,394	105,394
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	68,549	75,049
		Thinking Red		[2,500]
		University-based cyber and software centers of excellence for Operational Test & Evaluation.		[4,000]
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	42,648	42,648
		SUBTOTAL MANAGEMENT SUPPORT	216,591	223,091
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	216,591	223,091
		TOTAL RDT&E	111,964,188	118,073,500

1 **TITLE XLIII—OPERATION AND**
2 **MAINTENANCE**

3 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
	OPERATING FORCES		
010	MANEUVER UNITS	3,563,856	3,317,341
	OFS Drawdown		[-191,515]
	Unjustified growth		[-55,000]
020	MODULAR SUPPORT BRIGADES	142,082	142,082
030	ECHELONS ABOVE BRIGADE	758,174	748,174
	Unjustified growth		[-10,000]
040	THEATER LEVEL ASSETS	2,753,783	1,614,442
	OFS Drawdown		[-998,027]
	Program decrease		[-5,000]
	Unjustified growth		[-136,314]
050	LAND FORCES OPERATIONS SUPPORT	1,110,156	1,110,156
060	AVIATION ASSETS	1,795,522	1,775,522
	Unjustified growth		[-20,000]
070	FORCE READINESS OPERATIONS SUPPORT	7,442,976	5,468,604
	Program decrease		[-7,500]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
	Advanced Bomb Suit		[12,940]
	Arctic Cold Weather Gloves		[13,867]
	Arctic OCIE for Fort Drum, Fort Carson, and Alaska bases		[65,050]
	CENTCOM—Heavy Lift Logistics		[40,300]
	Extended Cold Weather Clothing System (ECWCS)		[8,999]
	Female/Small Stature Body Armor		[81,750]
	Garrison Installation Facilities-Related Control Systems (FRCS)		[13,070]
	Industrial Base Special Installation Control Systems		[14,820]
	Multi-Domain Operations—Live		[1,500]
	OFS Drawdown		[-2,144,168]
	Unjustified growth		[-75,000]
080	LAND FORCES SYSTEMS READINESS	580,921	614,921
	CENTCOM—COMSAT air time transponder leases		[34,000]
	Sustainment and maintenance of quality of life infrastructure		[20,000]
	Unjustified growth		[-20,000]
090	LAND FORCES DEPOT MAINTENANCE	1,257,959	1,346,976
	Tactical Combat Vehicle Repair Cycle Float (RCF)		[89,017]
100	MEDICAL READINESS	1,102,964	1,102,964
110	BASE OPERATIONS SUPPORT	8,878,603	8,916,732
	Program decrease		[-14,000]
	Subsistence		[52,129]
120	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,051,869	4,503,249
	Program increase		[451,380]
130	MANAGEMENT AND OPERATIONAL HEADQUARTERS	289,891	291,041
	Autonomic Security Operations Center		[1,150]
140	ADDITIONAL ACTIVITIES	526,517	556,517
	Security Operations Center as a service		[30,000]
160	RESET	397,196	392,196
	Unjustified growth		[-5,000]
170	US AFRICA COMMAND	384,791	468,291
	AFRICOM—COMSATCOM leases		[16,500]
	AFRICOM Unmanned Contract ISR		[67,000]
180	US EUROPEAN COMMAND	293,932	335,910
	EUCOM—Information Operations maintain FY21 level		[26,765]
	EUCOM—MPE BICES rapid intel capabilities		[4,500]
	EUCOM—MPE NATO C2 NATO Response Force		[9,708]
	EUCOM—MPE OSINT		[1,005]
190	US SOUTHERN COMMAND	196,726	204,526
	SOUTHCOM—Enhanced Domain Awareness		[3,400]
	SOUTHCOM—HUMINT in the Cyber Domain		[4,400]
200	US FORCES KOREA	67,052	67,052
210	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	621,836	654,756
	Critical Infrastructure Risk Management Cyber Resiliency Mitigations (GOCO)		[13,630]
	MRCT / Cyber I&W / Ops Cell		[4,660]
	Security Operations Center as a Service		[14,630]
220	CYBERSPACE ACTIVITIES—CYBERSECURITY	629,437	841,327
	C-SCRM Supplier Vetting and Equipment Inspection		[1,200]
	Cyber—Supply Chain Risk Mgmt (C-SCRM) Program		[2,750]
	Cybersecurity Control Systems Assessments		[89,889]
	Cybersecurity Support Services Task Order (CSSTO)		[1,320]
	Data and Applications Support Task Order (DASTO)		[12,886]
	Defensive Cyber Sensors		[2,900]
	Harden CSS VSAT Network		[10,066]
	Information Technology Infrastructure Support (ITIS)		[15,469]
	Weapon System Software Readiness		[75,410]
	SUBTOTAL OPERATING FORCES	36,846,243	34,472,779
	MOBILIZATION		
230	STRATEGIC MOBILITY	353,967	385,454
	APS-4 South Humanitarian Assistance-Disaster Relief Site		[31,487]
240	ARMY PREPOSITIONED STOCKS	381,192	451,908
	Second destination transportation		[70,716]
250	INDUSTRIAL PREPAREDNESS	3,810	3,810
	SUBTOTAL MOBILIZATION	738,969	841,172
	TRAINING AND RECRUITING		

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
260	OFFICER ACQUISITION	163,568	163,568
270	RECRUIT TRAINING	75,140	75,140
280	ONE STATION UNIT TRAINING	81,274	81,274
290	SENIOR RESERVE OFFICERS TRAINING CORPS	520,973	520,973
300	SPECIALIZED SKILL TRAINING	998,869	998,869
310	FLIGHT TRAINING	1,309,556	1,309,556
320	PROFESSIONAL DEVELOPMENT EDUCATION	218,651	218,651
330	TRAINING SUPPORT	616,380	634,480
	ATRRS Modernization		[18,100]
340	RECRUITING AND ADVERTISING	683,569	684,963
	Enterprise Technology Integration, Governance, and Engi- neering Requirements (ETIGER)		[1,394]
350	EXAMINING	169,442	169,442
360	OFF-DUTY AND VOLUNTARY EDUCATION	214,923	231,078
	Tuition assistance		[16,155]
370	CIVILIAN EDUCATION AND TRAINING	220,589	220,589
380	JUNIOR RESERVE OFFICER TRAINING CORPS	187,569	187,569
	SUBTOTAL TRAINING AND RECRUITING	5,460,503	5,496,152
	ADMIN & SRVWIDE ACTIVITIES		
400	SERVICEWIDE TRANSPORTATION	684,562	672,562
	Unjustified growth		[-12,000]
410	CENTRAL SUPPLY ACTIVITIES	808,895	808,895
420	LOGISTIC SUPPORT ACTIVITIES	767,053	796,153
	Preserve Logistics Data Analysis Capability While Transitioning to an Organic Civilian Workforce		[29,100]
430	AMMUNITION MANAGEMENT	469,038	469,038
440	ADMINISTRATION	488,535	468,535
	Unjustified growth		[-20,000]
450	SERVICEWIDE COMMUNICATIONS	1,952,742	2,013,762
	CHRA IT Cloud		[5,300]
	ERP Convergence		[49,420]
	Mission Partner Environment		[6,300]
460	MANPOWER MANAGEMENT	323,273	328,643
	Integrated Personnel Electronic Records Management Sys- tems		[5,370]
470	OTHER PERSONNEL SUPPORT	663,602	694,992
	Enterprise Technology Integration, Governance, and Engi- neering Requirements (ETIGER)		[1,390]
	Personnel Security Investigations		[30,000]
480	OTHER SERVICE SUPPORT	2,004,981	2,031,364
	DFAS bill to the Army		[49,983]
	Unjustified growth		[-23,600]
490	ARMY CLAIMS ACTIVITIES	180,178	180,178
500	REAL ESTATE MANAGEMENT	269,009	269,009
510	FINANCIAL MANAGEMENT AND AUDIT READINESS	437,940	437,940
520	INTERNATIONAL MILITARY HEADQUARTERS	482,571	482,571
530	MISC. SUPPORT OF OTHER NATIONS	29,670	29,670
575	CLASSIFIED PROGRAMS	2,008,633	2,041,233
	SOUTHCOM UPL		[32,600]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES ...	11,570,682	11,724,545
	TOTAL OPERATION & MAINTENANCE, ARMY	54,616,397	52,534,648
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	10,465	10,465
020	ECHELONS ABOVE BRIGADE	554,992	554,992
030	THEATER LEVEL ASSETS	120,892	120,892
040	LAND FORCES OPERATIONS SUPPORT	597,718	597,718
050	AVIATION ASSETS	111,095	111,095
060	FORCE READINESS OPERATIONS SUPPORT	385,506	385,506
070	LAND FORCES SYSTEMS READINESS	98,021	98,021
080	LAND FORCES DEPOT MAINTENANCE	34,368	34,368
090	BASE OPERATIONS SUPPORT	584,513	584,513
100	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	342,433	342,433
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	22,472	22,472
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,764	2,764

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,476	7,476
	SUBTOTAL OPERATING FORCES	2,872,715	2,872,715
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	15,400	15,400
150	ADMINISTRATION	19,611	19,611
160	SERVICEWIDE COMMUNICATIONS	37,458	37,458
170	MANPOWER MANAGEMENT	7,162	7,162
180	RECRUITING AND ADVERTISING	48,289	48,289
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	127,920	127,920
	TOTAL OPERATION & MAINTENANCE, ARMY RES	3,000,635	3,000,635
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	799,854	799,854
020	MODULAR SUPPORT BRIGADES	211,561	211,561
030	ECHELONS ABOVE BRIGADE	835,709	835,709
040	THEATER LEVEL ASSETS	101,179	101,179
050	LAND FORCES OPERATIONS SUPPORT	34,436	34,436
060	AVIATION ASSETS	1,110,416	1,110,416
070	FORCE READINESS OPERATIONS SUPPORT	704,827	734,927
	ARNG Weapons of Mass Destruction / Civil Support Teams (WMD-CST) Equipment Sustainment		[5,100]
	Program increase		[25,000]
080	LAND FORCES SYSTEMS READINESS	47,886	47,886
090	LAND FORCES DEPOT MAINTENANCE	244,439	244,439
100	BASE OPERATIONS SUPPORT	1,097,960	1,097,960
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	956,988	956,988
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	1,047,870	1,047,870
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS Joint Information Exchange Environment	8,071	14,371 [6,300]
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,828	7,828
	SUBTOTAL OPERATING FORCES	7,209,024	7,245,424
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	8,017	8,017
160	ADMINISTRATION	76,993	83,293
	ARNG Joint Information Exchange Environment		[6,300]
170	SERVICEWIDE COMMUNICATIONS	101,113	101,113
180	MANPOWER MANAGEMENT	8,920	8,920
190	OTHER PERSONNEL SUPPORT	240,292	240,292
200	REAL ESTATE MANAGEMENT	2,850	2,850
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	438,185	444,485
	TOTAL OPERATION & MAINTENANCE, ARNG	7,647,209	7,689,909
	AFGHANISTAN SECURITY FORCES FUND AFGHAN NATIONAL ARMY		
010	SUSTAINMENT	1,053,668	0
	OFS Drawdown		[-1,053,668]
020	INFRASTRUCTURE	1,818	0
	OFS Drawdown		[-1,818]
030	EQUIPMENT AND TRANSPORTATION	22,911	0
	OFS Drawdown		[-22,911]
040	TRAINING AND OPERATIONS	31,837	0
	OFS Drawdown		[-31,837]
	SUBTOTAL AFGHAN NATIONAL ARMY	1,110,234	0
	AFGHAN NATIONAL POLICE		
050	SUSTAINMENT	440,628	0
	OFS Drawdown		[-440,628]
070	EQUIPMENT AND TRANSPORTATION	38,551	0
	OFS Drawdown		[-38,551]
080	TRAINING AND OPERATIONS	38,152	0
	OFS Drawdown		[-38,152]
	SUBTOTAL AFGHAN NATIONAL POLICE	517,331	0

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
AFGHAN AIR FORCE			
090	SUSTAINMENT	562,056	0
	OFS Drawdown		[-562,056]
110	EQUIPMENT AND TRANSPORTATION	26,600	0
	OFS Drawdown		[-26,600]
120	TRAINING AND OPERATIONS	169,684	0
	OFS Drawdown		[-169,684]
	SUBTOTAL AFGHAN AIR FORCE	758,340	0
AFGHAN SPECIAL SECURITY FORCES			
130	SUSTAINMENT	685,176	0
	OFS Drawdown		[-685,176]
150	EQUIPMENT AND TRANSPORTATION	78,962	0
	OFS Drawdown		[-78,962]
160	TRAINING AND OPERATIONS	177,767	0
	OFS Drawdown		[-177,767]
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	941,905	0
UNDISTRIBUTED			
170	UNDISTRIBUTED		325,000
	Contract close-out and other close-out operations		[350,000]
	Program decrease		[-25,000]
	SUBTOTAL UNDISTRIBUTED		325,000
	TOTAL AFGHANISTAN SECURITY FORCES FUND	3,327,810	325,000
COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)			
COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)			
010	IRAQ	345,000	345,000
020	SYRIA	177,000	177,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	522,000	522,000
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	522,000	522,000
OPERATION & MAINTENANCE, NAVY OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	6,264,654	6,545,054
	Flying Hour Program (1A1A—Fleet Operations)		[280,400]
020	FLEET AIR TRAINING	2,465,007	2,465,007
030	AVIATION TECHNICAL DATA & ENGINEERING SERV- ICES	55,140	55,140
040	AIR OPERATIONS AND SAFETY SUPPORT	197,904	197,904
050	AIR SYSTEMS SUPPORT	1,005,932	1,005,932
060	AIRCRAFT DEPOT MAINTENANCE	1,675,356	1,897,556
	Aircraft Depot Maintenance Events (Multiple Type/Model/ Series)		[222,200]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	65,518	65,518
080	AVIATION LOGISTICS	1,460,546	1,440,546
	Historical underexecution		[-20,000]
090	MISSION AND OTHER SHIP OPERATIONS	5,858,028	5,929,028
	Resilient PNT		[29,000]
	Submarine Tender Overhaul		[42,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,154,696	1,163,679
	Navy Tactical Grid Development for JADC2		[8,983]
110	SHIP DEPOT MAINTENANCE	10,300,078	10,476,778
	A-120 Availabilities		[39,800]
	restore CG-56, CG-57, and CG-61		[136,900]
120	SHIP DEPOT OPERATIONS SUPPORT	2,188,454	2,188,454
130	COMBAT COMMUNICATIONS AND ELECTRONIC WAR- FARE	1,551,846	1,551,846
140	SPACE SYSTEMS AND SURVEILLANCE	327,251	327,251
150	WARFARE TACTICS	798,082	798,082
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	447,486	447,486
170	COMBAT SUPPORT FORCES	2,250,756	2,297,856

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
	CENTCOM—Maintain Cyclone PCs and MK VI patrol boats		[47,100]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	192,968	192,968
190	COMBATANT COMMANDERS CORE OPERATIONS	61,614	61,614
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	198,596	504,436
	INDOPACOM—Critical Manpower Positions		[4,620]
	INDOPACOM—Enhanced ISR Augmentation		[41,000]
	INDOPACOM—Future fusion centers		[3,300]
	INDOPACOM—Movement Coordination Center		[500]
	INDOPACOM—Pacific Multi-Domain Training and Experimentation Capability (PMTEC)		[114,410]
	INDOPACOM—Wargaming analytical tools		[88,000]
	INDOPACOM Mission Partner Environment		[54,010]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,984	36,984
	INDOPACOM Military Information Support Operations (MISO)		[28,000]
220	CYBERSPACE ACTIVITIES	565,926	565,926
230	FLEET BALLISTIC MISSILE	1,476,247	1,471,247
	Historical underexecution		[-5,000]
240	WEAPONS MAINTENANCE	1,538,743	1,513,743
	Historical underexecution		[-25,000]
250	OTHER WEAPON SYSTEMS SUPPORT	592,357	587,357
	Historical underexecution		[-5,000]
260	ENTERPRISE INFORMATION	734,970	714,970
	Program decrease		[-20,000]
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,961,937	3,411,937
	Program increase		[450,000]
280	BASE OPERATING SUPPORT	4,826,314	4,816,314
	Program decrease		[-10,000]
	SUBTOTAL OPERATING FORCES	51,225,390	52,730,613
	MOBILIZATION		
290	SHIP PREPOSITIONING AND SURGE	457,015	380,531
	Historical underexecution		[-76,484]
300	READY RESERVE FORCE	645,522	645,522
310	SHIP ACTIVATIONS/INACTIVATIONS	353,530	348,530
	Historical underexecution		[-5,000]
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	149,384	149,384
330	COAST GUARD SUPPORT	20,639	20,639
	SUBTOTAL MOBILIZATION	1,626,090	1,544,606
	TRAINING AND RECRUITING		
340	OFFICER ACQUISITION	172,913	172,913
350	RECRUIT TRAINING	13,813	13,813
360	RESERVE OFFICERS TRAINING CORPS	167,152	167,152
370	SPECIALIZED SKILL TRAINING	1,053,104	1,053,104
380	PROFESSIONAL DEVELOPMENT EDUCATION	311,209	315,509
	Sea Cadets		[4,300]
390	TRAINING SUPPORT	306,302	306,302
400	RECRUITING AND ADVERTISING	205,219	205,219
410	OFF-DUTY AND VOLUNTARY EDUCATION	79,053	79,053
420	CIVILIAN EDUCATION AND TRAINING	109,754	109,754
430	JUNIOR ROTC	57,323	57,323
	SUBTOTAL TRAINING AND RECRUITING	2,475,842	2,480,142
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	1,268,961	1,221,353
	Program decrease		[-75,000]
	Restoration of cuts to Naval Audit Service		[27,392]
450	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	212,952	212,952
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	562,546	562,546
470	MEDICAL ACTIVITIES	285,436	285,436
480	SERVICEWIDE TRANSPORTATION	217,782	217,782
500	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	479,480	479,480
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	741,045	741,045
520	INVESTIGATIVE AND SECURITY SERVICES	738,187	726,187

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	House Authorized
	Historical underexecution		[-5,000]
	Program decrease		[-7,000]
665	CLASSIFIED PROGRAMS	607,517	607,517
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	5,113,906	5,054,298
	TOTAL OPERATION & MAINTENANCE, NAVY	60,441,228	61,809,659
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	1,587,456	1,632,756
	Plate Carrier Generation III		[45,300]
020	FIELD LOGISTICS	1,532,630	1,532,630
030	DEPOT MAINTENANCE	215,949	215,949
040	MARITIME PREPOSITIONING	107,969	107,969
050	CYBERSPACE ACTIVITIES	233,486	233,486
060	SUSTAINMENT, RESTORATION & MODERNIZATION	1,221,117	1,221,117
070	BASE OPERATING SUPPORT	2,563,278	2,563,278
	SUBTOTAL OPERATING FORCES	7,461,885	7,507,185
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	24,729	24,729
090	OFFICER ACQUISITION	1,208	1,208
100	SPECIALIZED SKILL TRAINING	110,752	110,752
110	PROFESSIONAL DEVELOPMENT EDUCATION	61,539	61,539
120	TRAINING SUPPORT	490,975	490,975
130	RECRUITING AND ADVERTISING	223,643	223,643
140	OFF-DUTY AND VOLUNTARY EDUCATION	49,369	49,369
150	JUNIOR ROTC	26,065	26,065
	SUBTOTAL TRAINING AND RECRUITING	988,280	988,280
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	100,475	100,475
170	ADMINISTRATION	410,729	410,729
215	CLASSIFIED PROGRAMS	63,422	63,422
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	574,626	574,626
	TOTAL OPERATION & MAINTENANCE, MA- RINE CORPS	9,024,791	9,070,091
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	628,522	628,522
020	INTERMEDIATE MAINTENANCE	9,593	9,593
030	AIRCRAFT DEPOT MAINTENANCE	135,280	135,280
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	497	497
050	AVIATION LOGISTICS	29,435	29,435
070	COMBAT COMMUNICATIONS	18,469	18,469
080	COMBAT SUPPORT FORCES	136,710	136,710
090	CYBERSPACE ACTIVITIES	440	440
100	ENTERPRISE INFORMATION	26,628	26,628
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	42,311	42,311
120	BASE OPERATING SUPPORT	103,606	103,606
	SUBTOTAL OPERATING FORCES	1,131,491	1,131,491
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,943	1,943
140	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	12,191	12,191
150	ACQUISITION AND PROGRAM MANAGEMENT	3,073	3,073
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	17,207	17,207
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,148,698	1,148,698
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	102,271	148,171
	Reserve Component Individual Combat Equipment		[45,900]
020	DEPOT MAINTENANCE	16,811	16,811

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	House Authorized
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	42,702	42,702
040	BASE OPERATING SUPPORT	109,210	109,210
	SUBTOTAL OPERATING FORCES	270,994	316,894
ADMIN & SRVWD ACTIVITIES			
050	ADMINISTRATION	14,056	14,056
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	14,056	14,056
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	285,050	330,950
OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES			
010	PRIMARY COMBAT FORCES	706,860	564,412
	Historical underexecution		[-75,000]
	OFS Drawdown		[-67,448]
020	COMBAT ENHANCEMENT FORCES	2,382,448	2,121,529
	CENTCOM—MQ-9 Combat Lines		[53,000]
	OFS Drawdown		[-313,919]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,555,320	1,356,542
	Contract Adversary Air		[5,000]
	Historical underexecution		[-200,000]
	OFS Drawdown		[-3,778]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,661,762	3,641,762
	Historical underexecution		[-10,000]
	Program decrease		[-10,000]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,867,114	4,317,114
	Program increase		[450,000]
060	CYBERSPACE SUSTAINMENT	179,568	179,568
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	8,457,653	8,642,653
	F-35 WSS Air Force UPL		[185,000]
080	FLYING HOUR PROGRAM	5,646,730	5,094,372
	Cyber Training		[23,300]
	CYBERCOM—Acquisition Personnel		[4,800]
	CYBERCOM—HUMINT		[500]
	OFS Drawdown		[-560,958]
	Program decrease		[-20,000]
090	BASE SUPPORT	9,846,037	9,869,037
	Program decrease		[-15,000]
	Sustainment and maintenance of quality of life infrastructure		[20,000]
	U.S. Air Force Academy IT Modernization		[18,000]
100	GLOBAL C3I AND EARLY WARNING	979,705	987,390
	EUCOM—MPE Air Component Battle Network		[9,200]
	OFS Drawdown		[-1,515]
110	OTHER COMBAT OPS SPT PROGRAMS	1,418,515	1,406,592
	OFS Drawdown		[-11,923]
120	CYBERSPACE ACTIVITIES	864,761	864,761
150	SPACE CONTROL SYSTEMS	13,223	13,223
160	US NORTHCOM/NORAD	196,774	196,774
170	US STRATCOM	475,015	475,015
180	US CYBERCOM	389,663	389,663
190	US CENTCOM	372,354	396,354
	CENTCOM Military Information Support Operations (MISO)		[24,000]
200	US SOCOM	28,733	28,733
220	CENTCOM CYBERSPACE SUSTAINMENT	1,289	1,289
230	USSPACECOM	272,601	339,601
	Bridging Space Protection Gaps—Commercial SSA		[10,000]
	Program increase		[57,000]
235	CLASSIFIED PROGRAMS	1,454,383	1,454,383
	SUBTOTAL OPERATING FORCES	42,770,508	42,340,767
MOBILIZATION			
240	AIRLIFT OPERATIONS	2,422,784	2,422,784
250	MOBILIZATION PREPAREDNESS	667,851	667,851
	SUBTOTAL MOBILIZATION	3,090,635	3,090,635

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
TRAINING AND RECRUITING			
260	OFFICER ACQUISITION	156,193	156,193
270	RECRUIT TRAINING	26,072	26,072
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	127,693	127,693
290	SPECIALIZED SKILL TRAINING	491,286	482,056
	OFS Drawdown		[-9,230]
300	FLIGHT TRAINING	718,742	718,742
310	PROFESSIONAL DEVELOPMENT EDUCATION	302,092	302,092
320	TRAINING SUPPORT	162,165	162,165
330	RECRUITING AND ADVERTISING	171,339	171,339
340	EXAMINING	8,178	8,178
350	OFF-DUTY AND VOLUNTARY EDUCATION	236,760	236,760
360	CIVILIAN EDUCATION AND TRAINING	306,602	306,602
370	JUNIOR ROTC	65,940	65,940
	SUBTOTAL TRAINING AND RECRUITING	2,773,062	2,763,832
ADMIN & SRVWD ACTIVITIES			
380	LOGISTICS OPERATIONS	1,062,709	1,062,709
390	TECHNICAL SUPPORT ACTIVITIES	169,957	169,957
400	ADMINISTRATION	1,005,827	987,327
	Program decrease		[-18,500]
410	SERVICEWIDE COMMUNICATIONS	31,054	31,054
420	OTHER SERVICEWIDE ACTIVITIES	1,470,757	1,459,757
	Program decrease		[-11,000]
430	CIVIL AIR PATROL	29,128	47,300
	Civil Air Patrol		[18,172]
450	INTERNATIONAL SUPPORT	81,118	81,118
455	CLASSIFIED PROGRAMS	1,391,720	1,391,720
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	5,242,270	5,230,942
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	53,876,475	53,426,176
OPERATION & MAINTENANCE, SPACE FORCE OPERATING FORCES			
010	GLOBAL C3I & EARLY WARNING	495,615	495,615
020	SPACE LAUNCH OPERATIONS	185,700	185,700
030	SPACE OPERATIONS	611,269	611,269
040	EDUCATION & TRAINING	22,887	22,887
060	DEPOT MAINTENANCE	280,165	332,565
	Space Force Weapons System Sustainment		[52,400]
070	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	213,347	279,647
	Cheyenne Mountain Improvements UPL		[66,300]
080	CONTRACTOR LOGISTICS AND SYSTEM SUPPORT	1,158,707	1,350,707
	Space Force Weapons System Sustainment		[192,000]
090	SPACE OPERATIONS -BOS	143,520	143,520
095	CLASSIFIED PROGRAMS	172,755	172,755
	SUBTOTAL OPERATING FORCES	3,283,965	3,594,665
ADMINISTRATION AND SERVICE WIDE ACTIVI- TIES			
100	ADMINISTRATION	156,747	156,747
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	156,747	156,747
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	3,440,712	3,751,412
OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES			
010	PRIMARY COMBAT FORCES	1,665,015	1,544,978
	Historical underexecution		[-100,000]
	Program decrease		[-20,037]
020	MISSION SUPPORT OPERATIONS	179,486	169,486
	Historical underexecution		[-10,000]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	530,540	510,540
	Program decrease		[-20,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	114,987	114,987

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUP- PORT	254,831	244,831
	Program decrease		[-10,000]
060	BASE SUPPORT	470,801	470,801
070	CYBERSPACE ACTIVITIES	1,372	1,372
	SUBTOTAL OPERATING FORCES	3,217,032	3,056,995
	ADMINISTRATION AND SERVICEWIDE ACTIVI- TIES		
080	ADMINISTRATION	91,289	91,289
090	RECRUITING AND ADVERTISING	23,181	23,181
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	13,966	13,966
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,196	6,196
120	AUDIOVISUAL	442	442
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	135,074	135,074
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,352,106	3,192,069
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,281,432	2,281,432
020	MISSION SUPPORT OPERATIONS	582,848	588,748
	ANG HRF/CERFP Sustainment w/in WMD		[5,900]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,241,318	1,221,318
	Program decrease		[-20,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	353,193	353,193
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUP- PORT	1,077,654	1,067,654
	Program decrease		[-10,000]
060	BASE SUPPORT	908,198	908,198
070	CYBERSPACE SUSTAINMENT	23,895	23,895
080	CYBERSPACE ACTIVITIES	17,263	17,263
	SUBTOTAL OPERATING FORCES	6,485,801	6,461,701
	ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES		
090	ADMINISTRATION	46,455	46,455
100	RECRUITING AND ADVERTISING	41,764	41,764
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	88,219	88,219
	TOTAL OPERATION & MAINTENANCE, ANG	6,574,020	6,549,920
	OPERATION AND MAINTENANCE, DEFENSE- WIDE OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	407,240	407,240
020	JOINT CHIEFS OF STAFF—CE2T2	554,634	589,734
	INDOPACOM—Joint Exercise Program		[35,100]
030	JOINT CHIEFS OF STAFF—CYBER	8,098	8,098
050	SPECIAL OPERATIONS COMMAND COMBAT DEVELOP- MENT ACTIVITIES	2,044,479	2,047,789
	SOCOM—Armored Ground Mobility Systems (AGMS) Ac- celeration		[3,310]
060	SPECIAL OPERATIONS COMMAND CYBERSPACE AC- TIVITIES	45,851	45,851
070	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,614,757	1,614,757
080	SPECIAL OPERATIONS COMMAND MAINTENANCE	1,081,869	1,090,210
	Advanced Engine Performance and Restoration Program (Nucleated Foam)		[2,000]
	SOCOM—Modernized Forward Look Sonar		[900]
	SOCOM—Personal Signature Management Acceleration		[5,441]
090	SPECIAL OPERATIONS COMMAND MANAGEMENT/ OPERATIONAL HEADQUARTERS	180,042	170,042
	Program decrease		[-10,000]
100	SPECIAL OPERATIONS COMMAND OPERATIONAL SUP- PORT	1,202,060	1,205,060

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	House Authorized
	JMWC		[3,000]
110	SPECIAL OPERATIONS COMMAND THEATER FORCES ..	3,175,789	3,185,789
	Program increase		[10,000]
	SUBTOTAL OPERATING FORCES	10,314,819	10,364,570
TRAINING AND RECRUITING			
130	DEFENSE ACQUISITION UNIVERSITY	171,607	171,607
140	JOINT CHIEFS OF STAFF	92,905	92,905
150	PROFESSIONAL DEVELOPMENT EDUCATION	31,669	31,669
	SUBTOTAL TRAINING AND RECRUITING	296,181	296,181
ADMIN & SRVWIDE ACTIVITIES			
170	CIVIL MILITARY PROGRAMS	137,311	228,311
	National Guard Youth Challenge		[50,000]
	STARBASE		[41,000]
190	DEFENSE CONTRACT AUDIT AGENCY	618,526	618,526
200	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,984	3,984
220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,438,296	1,438,296
230	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	11,999	11,999
240	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	941,488	941,488
260	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—CYBER	9,859	9,859
270	DEFENSE HUMAN RESOURCES ACTIVITY	816,168	886,168
	Defense Suicide Prevention Office		[5,000]
	DHRA/DSPO—support FY 2021 congressional increases ...		[5,000]
	DHRA/SAPRO—FY 2021 baseline restoral		[60,000]
280	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	17,655	17,655
290	DEFENSE INFORMATION SYSTEMS AGENCY	1,913,734	1,935,469
	Cloud Migration and Technology (Mileloud 2.0)		[11,000]
	CYBERCOM—HUMINT		[2,700]
	Program decrease		[-2,000]
	Program increase—cloud migration and technology		[10,000]
	Secure Congressional communications		[35]
310	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER ..	530,278	580,278
	Hardening DODIN		[50,000]
350	DEFENSE LEGAL SERVICES AGENCY	229,498	229,498
360	DEFENSE LOGISTICS AGENCY	402,864	407,664
	Procurement Technical Assistance Program		[4,800]
370	DEFENSE MEDIA ACTIVITY	222,655	224,655
	Public Web Program		[2,000]
380	DEFENSE PERSONNEL ACCOUNTING AGENCY	130,174	155,174
	DPAA (POW/MIA)—support FY 2021 congressional in-		
	creases		[25,000]
390	DEFENSE SECURITY COOPERATION AGENCY	2,067,446	2,033,046
	Baltic Security Initiative		[175,000]
	Offset for Baltic Security Initiative		[-175,000]
	Program increase		[215,600]
	Transfer to Ukraine Security Assistance		[-250,000]
420	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	39,305	39,305
440	DEFENSE THREAT REDUCTION AGENCY	885,749	885,749
460	DEFENSE THREAT REDUCTION AGENCY—CYBER	36,736	36,736
470	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	3,138,345	3,208,345
	Impact Aid		[50,000]
	Impact Aid—Students with Disabilities		[20,000]
490	MISSILE DEFENSE AGENCY	502,450	502,450
530	OFFICE OF THE LOCAL DEFENSE COMMUNITY CO-		
	OPERATION—OSD	89,686	107,686
	Defense Community Infrastructure Program		[15,000]
	Oversight Personnel		[3,000]
540	OFFICE OF THE SECRETARY OF DEFENSE	1,766,614	1,802,414
	Assistant Secretary of Defense for Energy, Installation and		
	Environment oversight personnel		[10,000]
	Basic Needs Allowance		[50,000]
	CAPE Civilian Technical Staff Increase		[3,000]
	CAPE cost data and software initiative increase		[3,500]
	Commission on Afghanistan		[5,000]
	Defense Resouree Budgeting & Allocation Commission		[4,000]
	DIU Civilian Technical Staff Increase		[3,000]
	DOT&E Civilian Technical Staff Increase		[3,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	House Authorized
	Military working dog pilot program		[10,000]
	Program decrease		[-55,700]
550	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	32,851	32,851
560	SPACE DEVELOPMENT AGENCY	53,851	53,851
570	WASHINGTON HEADQUARTERS SERVICES	369,698	340,698
	Program decrease		[-29,000]
575	CLASSIFIED PROGRAMS	17,900,146	17,900,146
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES ...	34,307,366	34,632,301
	UNDISTRIBUTED		
580	UNDISTRIBUTED		1,322,055
	Afghanistan withdrawal contingency costs		[250,000]
	Depot Capital Investment		[900,000]
	FSRM increase for Defense-wide activities		[172,055]
	SUBTOTAL UNDISTRIBUTED		1,322,055
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	44,918,366	46,615,107
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE INITIATIVE		300,000
	Program increase		[50,000]
	Transfer from Defense Security Cooperation Agency		[250,000]
	SUBTOTAL UKRAINE SECURITY ASSIST- ANCE		300,000
	TOTAL UKRAINE SECURITY ASSISTANCE ...		300,000
	US COURT OF APPEALS FOR ARMED FORCES, DEF ADMINISTRATION AND ASSOCIATED ACTIVI- TIES		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	15,589	15,589
	SUBTOTAL ADMINISTRATION AND ASSOCI- ATED ACTIVITIES	15,589	15,589
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	15,589	15,589
	DOD ACQUISITION WORKFORCE DEVELOP- MENT FUND		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	54,679	54,679
	SUBTOTAL ACQUISITION WORKFORCE DE- VELOPMENT	54,679	54,679
	TOTAL DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	54,679	54,679
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
	HUMANITARIAN ASSISTANCE		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	110,051	650,051
	Afghan SIV costs		[500,000]
	Program Increase		[40,000]
	SUBTOTAL HUMANITARIAN ASSISTANCE	110,051	650,051
	TOTAL OVERSEAS HUMANITARIAN, DIS- ASTER, AND CIVIC AID	110,051	650,051
	COOPERATIVE THREAT REDUCTION ACCOUNT		
010	COOPERATIVE THREAT REDUCTION	239,849	344,849
	Program increase		[105,000]
	SUBTOTAL COOPERATIVE THREAT REDUC- TION	239,849	344,849
	TOTAL COOPERATIVE THREAT REDUC- TION ACCOUNT	239,849	344,849

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	House Authorized
ENVIRONMENTAL RESTORATION			
DEPARTMENT OF THE ARMY			
050	ENVIRONMENTAL RESTORATION, ARMY	200,806	300,806
	Program increase for PFAS		[100,000]
	SUBTOTAL DEPARTMENT OF THE ARMY	200,806	300,806
DEPARTMENT OF THE NAVY			
060	ENVIRONMENTAL RESTORATION, NAVY	298,250	472,250
	Program increase for PFAS		[174,000]
	SUBTOTAL DEPARTMENT OF THE NAVY	298,250	472,250
DEPARTMENT OF THE AIR FORCE			
070	ENVIRONMENTAL RESTORATION, AIR FORCE	301,768	476,768
	Program increase for PFAS		[175,000]
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	301,768	476,768
DEFENSE-WIDE			
080	ENVIRONMENTAL RESTORATION, DEFENSE	8,783	58,783
	Military Munitions Response Program		[50,000]
	SUBTOTAL DEFENSE-WIDE	8,783	58,783
DEFENSE-WIDE			
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	218,580	392,580
	Program increase		[74,000]
	Program increase for PFAS		[100,000]
	SUBTOTAL DEFENSE-WIDE	218,580	392,580
	TOTAL ENVIRONMENTAL RESTORATION	1,028,187	1,701,187
	TOTAL OPERATION & MAINTENANCE	253,623,852	253,032,629

1 **TITLE XLIV—MILITARY**
 2 **PERSONNEL**
 3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2022 Request	House Authorized
MERHCF	9,337,175	9,337,175
MILPERS	157,947,920	157,521,920
ARNG Chemical Biological Radiological Nuclear (CBRN) Response Forces Readiness		9,200
Historical underexecution		[-500,000]
Military Personnel, Navy—Manpower costs for CG-56, CG-57, and CG-61		64,800

1 **TITLE XLV—OTHER**
 2 **AUTHORIZATIONS**

3 **SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Item	FY 2022 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
ARMY ARSENALS INITIATIVE	26,935	26,935
ARMY SUPPLY MANAGEMENT	357,776	357,776
TOTAL WORKING CAPITAL FUND, ARMY	384,711	384,711
WORKING CAPITAL FUND, NAVY		
SUPPLY MANAGEMENT—NAVY	150,000	150,000
TOTAL WORKING CAPITAL FUND, NAVY	150,000	150,000
WORKING CAPITAL FUND, AIR FORCE		
SUPPLY MANAGEMENT	77,453	77,453
TOTAL WORKING CAPITAL FUND, AIR FORCE	77,453	77,453
WORKING CAPITAL FUND, DEFENSE-WIDE		
ENERGY MANAGEMENT—DEFENSE	40,000	40,000
SUPPLY CHAIN MANAGEMENT—DEFENSE	87,765	87,765
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	127,765	127,765
WORKING CAPITAL FUND, DECA		
COMMISSARY OPERATIONS	1,162,071	1,162,071
TOTAL WORKING CAPITAL FUND, DECA	1,162,071	1,162,071
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	93,121	93,121
CHEM DEMILITARIZATION—RDT&E	1,001,231	1,001,231
TOTAL CHEM AGENTS & MUNITIONS DE- STRUCTION	1,094,352	1,094,352
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	593,250	593,250
DRUG DEMAND REDUCTION PROGRAM	126,024	126,024
NATIONAL GUARD COUNTER-DRUG PROGRAM	96,970	96,970
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,664	5,664
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	821,908	821,908
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	434,700	434,700
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,218	1,218
OFFICE OF THE INSPECTOR GENERAL—RDTE	2,365	2,365
OFFICE OF THE INSPECTOR GENERAL—PROCURE- MENT	80	80
TOTAL OFFICE OF THE INSPECTOR GEN- ERAL	438,363	438,363
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,720,004	9,757,004
DHA—reverse DWR cuts to Defense Health Program		[37,000]
PRIVATE SECTOR CARE	18,092,679	18,092,679
CONSOLIDATED HEALTH SUPPORT	1,541,122	2,316,047
Anomalous Health Incidents		[114,925]

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2022 Request	House Authorized
DHA—Global Emerging Infectious Surveillance System		[50,000]
DHP COVID-related shortfalls		[600,000]
Global Emerging Infectious Surveillance Program		[10,000]
INFORMATION MANAGEMENT	2,233,677	2,233,677
MANAGEMENT ACTIVITIES	335,138	335,138
EDUCATION AND TRAINING	333,234	708,734
DWR cut reversal to USUHS Basic Research Program		[15,500]
USUHS BLDG usage: ID and Vax Research, Pandemic Response and Collaboration and Supply Chain Independence		[360,000]
BASE OPERATIONS/COMMUNICATIONS	1,926,865	1,941,865
National Disaster Medical System Surge Partnerships		[15,000]
R&D RESEARCH	9,091	9,091
R&D EXPLORATORY DEVELOPMENT	75,463	75,463
R&D ADVANCED DEVELOPMENT	235,556	235,556
R&D DEMONSTRATION/VALIDATION	142,252	142,252
R&D ENGINEERING DEVELOPMENT	101,054	123,054
Brainscope		[5,000]
Freeze-dried platelets		[10,000]
Program increase		[7,000]
R&D MANAGEMENT AND SUPPORT	49,645	49,645
R&D CAPABILITIES ENHANCEMENT	17,619	17,619
PROC INITIAL OUTFITTING	20,926	20,926
PROC REPLACEMENT & MODERNIZATION	250,366	250,366
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	72,302	72,302
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	435,414	435,414
TOTAL DEFENSE HEALTH PROGRAM	35,592,407	36,816,832
TOTAL OTHER AUTHORIZATIONS	39,849,030	41,073,455

1 **TITLE XLVI—MILITARY**
2 **CONSTRUCTION**

3 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
	Alabama			
Army	Anniston Army Depot	Welding Facility	0	25,000
Army	Fort Rucker	AIT Barracks Complex	0	66,000
Army	Redstone Arsenal	Propulsion Systems Lab	55,000	55,000
	Belgium			
Army	Shape Headquarters	Command and Control Facility	16,000	16,000
	California			
Army	Fort Irwin	Simulations Center	52,000	52,000
	Georgia			
Army	Fort Gordon	Cyber Instructional Fac (Admin/Cmd), Inc. 2	69,000	69,000
Army	Fort Stewart	Barracks	0	100,000
	Germany			
Army	East Camp	EDI: Barracks and Dining Facility	103,000	50,000
	Grafenwoehr			
Army	Smith Barracks	Indoor Small Arms Range	17,500	17,500
Army	Smith Barracks	Live Fire Exercise Shoothouse	16,000	16,000
	Hawaii			
Army	West Loch Nav Mag Annex	Ammunition Storage	51,000	51,000
	Kansas			
Army	Fort Leavenworth	Child Development Center	0	34,000

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
Army	Kentucky Fort Knox	Child Development Center	0	27,000
Army	Louisiana Fort Polk, Louisiana	Joint Operations Center	55,000	55,000
Army	Louisiana Fort Polk	Barracks	0	56,000
Army	Maryland Aberdeen Proving Ground	Moving Target Simulator (Combat Systems Simulation Laboratory)	0	29,000
Army	Fort Detrick	Medical Waste Incinerator	0	23,981
Army	Fort Detrick	Medical Incinerator	0	23,981
Army	Fort Detrick	USAMRMC Headquarters	0	94,000
Army	Fort Meade	Barracks	81,000	81,000
Army	Mississippi Engineer Research and Development Center	Communications Center	0	17,000
Army	Engineer Research and Development Center	Rtd&e (Risk Lab)	0	32,000
Army	New Jersey Picatinny Arsenal	Igloo Storage, Installation	0	1,800
Army	New Mexico White Sands Missile Range	Missile Assembly Support Facility	0	14,200
Army	White Sands Missile Range	Missile Assembly Building	0	29,000
Army	New York Fort Hamilton	Information Systems Facility	26,000	26,000
Army	Watervliet Arsenal	Access Control Point	20,000	20,000
Army	Pennsylvania Letterkenny Army Depot	Fire Station	21,000	21,000
Army	South Carolina Fort Jackson	Reception Barracks Complex, Ph2, Inc. 2	34,000	34,000
Army	Fort Jackson	Reception Barracks, Ph1	0	21,000
Army	Texas Fort Hood	Barracks	0	61,000
Army	Fort Hood	Barracks	0	29,200
Army	Virginia Joint Base Langley-Eustis	AIT Barracks Complex, Ph4	0	16,000
Army	Worldwide Classified Classified Location	Forward Operating Site	31,000	31,000
Army	Worldwide Unspecified Unspecified Worldwide Locations	Host Nation Support	27,000	27,000
Army	Unspecified Worldwide Locations	Minor Construction	35,543	35,543
Army	Unspecified Worldwide Locations	Planning and Design	124,649	134,649
Military Construction, Army Total			834,692	1,491,854
Navy	Arizona Marine Corps Air Station Yuma	Bachelor Enlisted Quarters	0	99,600
Navy	California Air Ground Combat Center Twentynine Palms	Wastewater Treatment Facility	0	45,000
Navy	Camp Pendleton	I MEF Consolidated Information Center Inc.	19,869	19,869
Navy	Naval Air Station Lemoore	F-35C Hangar 6 Phase 2 (Mod 3/4) Inc.	75,070	50,000
Navy	Naval Information Warfare Center Pacific	Reconfigurable Cyber Laboratory	0	49,970
Navy	Naval Weapons Station Seal Beach	Missile Magazines Inc.	10,840	10,840
Navy	Naval Base San Diego	Pier 6 Replacement Inc.	50,000	50,000
Navy	San Nicholas Island	Directed Energy Weapons Test Facilities	19,907	19,907
Navy	District of Columbia Naval Research Laboratory	Electromagnetic & Cyber Countermeasures Laboratory	0	95,271
Navy	Naval Research Laboratory	Biomolecular Science & Synthetic Biology Laboratory	0	58,940
Navy	Florida Naval Air Station Jacksonville	Planning and Design for Lighterage and Small Craft	0	7,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
Navy	Naval Surface Warfare Center Panama City Division	Unmanned Vehicle Littoral Combat Space	0	30,960
Navy	Naval Surface Warfare Center Panama City Division	Mine Warfare RDT&E Facility	0	52,860
Navy	Naval Undersea Warfare Center Newport Division	AUTEC Pier Facility 1902	0	37,980
Navy	Naval Undersea Warfare Center Newport Division	Array Calibration Facility	0	6,530
	Greece			
Navy	Naval Support Activity Souda Bay	EDI: Joint Mobility Processing Center	41,650	0
	Guam			
Navy	Andersen Air Force Base	Aviation Admin Building	50,890	50,890
Navy	Joint Region Marianas	4th Marines Regiment Facilities	109,507	80,000
Navy	Joint Region Marianas	Bachelor Enlisted Quarters H Inc.	43,200	43,200
Navy	Joint Region Marianas	Combat Logistics Battalion-4 Facility	92,710	92,710
Navy	Joint Region Marianas	Consolidated Armory	43,470	43,470
Navy	Joint Region Marianas	Infantry Battalion Company HQ	44,100	44,100
Navy	Joint Region Marianas	Joint Communication Upgrade Inc.	84,000	84,000
Navy	Joint Region Marianas	Marine Expeditionary Brigade Enablers	66,830	66,830
Navy	Joint Region Marianas	Principal End Item (PEI) Warehouse	47,110	47,110
Navy	Joint Region Marianas	X-Ray Wharf Berth 2	103,800	51,900
	Hawaii			
Navy	Marine Corps Base Kaneohe	Bachelor Enlisted Quarters, Ph 2	0	101,200
	Idaho			
Navy	Naval Surface Warfare Center Carderock Division	ARD Rangecraft Birthing Facility	0	6,140
	Indiana			
Navy	Naval Surface Warfare Center Crane Division	Strategic Systems Engineering & Hardware Assurance Center.	0	27,350
Navy	Naval Surface Warfare Center Crane Division	Corporate Operations and Training Center	0	22,910
Navy	Naval Surface Warfare Center Crane Division	Anti-Ship Missile Defense Life Cycle Integration and Test Center.	0	36,660
	Japan			
Navy	Fleet Activities Yokosuka	Pier 5 (Berths 2 and 3) Inc.	15,292	15,292
Navy	Fleet Activities Yokosuka	Ship Handling & Combat Training Facilities	49,900	49,900
	Maine			
Navy	Portsmouth Naval Shipyard	Multi-Mission Drydock #1 Extension Inc.	250,000	250,000
	Maryland			
Navy	Naval Air Station Patuxent River	Planning and Design for Aircraft Prototyping Facility, Ph 3.	0	1,500
Navy	Naval Air Warfare Center Aircraft Division	Aircraft Prototyping Facility, Ph 3	0	40,920
Navy	Naval Air Warfare Center Aircraft Division	Rotary Wing T&E Hangar Replacement	0	80,270
Navy	Naval Surface Warfare Center Carderock Division	Ship Systems Design & Integration Facility	0	22,090
Navy	Naval Surface Warfare Center Indian Head	Planning and Design for Contained Burn Facility	0	1,500
Navy	Naval Surface Warfare Center Indian Head	Energetic Systems and Technology Laboratory Complex, Ph 2.	0	25,210
Navy	Naval Surface Warfare Center Indian Head	Contained Burn Facility	0	14,980
Navy	Naval Surface Warfare Center Indian Head	Energetic Chemical Scale-up	0	29,130
Navy	Naval Surface Warfare Center Indian Head	Energetics Prototyping Facility	0	36,230
Navy	Naval Surface Warfare Center Indian Head	Energetic Systems and Technology Laboratory Complex, Ph 3.	0	26,480
	Nevada			

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
Navy	Naval Air Station Fallon	Training Range Land Acquisition—Ph 2	48,250	48,250
Navy	North Carolina Camp Lejeune, North Carolina	II MEF Operations Center Replacement Inc.	42,200	42,200
Navy	Cherry Point Marine Corps Air Station	Aircraft Maintenance Hangar	207,897	60,000
Navy	Cherry Point Marine Corps Air Station	F-35 Flightline Utilities Modernization Ph 2	113,520	30,000
Navy	Pennsylvania Naval Surface Warfare Center Philadelphia Division	Machinery Control Development Center	0	77,290
Navy	Naval Surface Warfare Center Philadelphia Division	Machinery Integration Lab, Ph 1	0	34,010
Navy	Naval Surface Warfare Center Philadelphia Division	Power & Energy Tech Systems Integration Lab ...	0	48,740
Navy	Poland Redzikowo	AEGIS Ashore Barracks Planning and Design	0	3,000
Navy	Rhode Island Naval Undersea Warfare Center Newport Division	Next Generation Secure Submarine Platform Facility.	0	40,760
Navy	Naval Undersea Warfare Center Newport Division	Next Generation Torpedo Integration Lab	0	12,870
Navy	Naval Undersea Warfare Center Newport Division	Submarine Payloads Integration Facility	0	14,430
Navy	Naval Undersea Warfare Center Newport Division	Consolidation RDT&E Systems Facility	0	17,290
Navy	Texas Naval Air Station Kingsville	Planning and Design for Fire Rescue Safety Center.	0	2,500
Navy	Virginia Naval Station Norfolk	Submarine Pier 3 Inc.	88,923	88,923
Navy	Naval Surface Warfare Center Carderock Division	Navy Combatant Craft Laboratory	0	17,210
Navy	Naval Surface Warfare Center Dahlgren Division	Cyber Threat & Weapon Systems Engineering Complex.	0	60,560
Navy	Naval Surface Warfare Center Dahlgren Division	High Powered Electric Weapons Laboratory	0	38,110
Navy	Norfolk Naval Shipyard	Dry Dock Saltwater System for CVN-78	156,380	30,000
Navy	Marine Corps Base Quantico	Vehicle Inspection and Visitor Control Center	42,850	42,850
Navy	Marine Corps Base Quantico	Wargaming Center Inc.	30,500	30,500
Navy	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	363,252	363,252
Navy	Unspecified Worldwide Locations	Shipyard Investment Optimization Program	0	225,000
Navy	Unspecified Worldwide Locations	Shipyard Investment Optimization Program—Planning and Design.	0	62,820
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	56,435	56,435
Military Construction, Navy Total			2,368,352	3,473,699
AF	Alaska Joint Base Elmendorf- Richardson	Extend Runway 16/34, Inc. 1	79,000	79,000
AF	Arizona Davis-Monthan Air Force Base	South Wilmot Gate	13,400	13,400
AF	Luke Air Force Base	F-35A ADAL AMU Facility Squadron #6	28,000	28,000
AF	Luke Air Force Base	F-35A Squadron Operations Facility #6	21,000	21,000
AF	Australia Royal Australian Air Force Base Darwin	Squadron Operations Facility	7,400	7,400
AF	Royal Australian Air Force Base Tindal	Aircraft Maintenance Support Facility	6,200	6,200

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
AF	Royal Australian Air Force Base Tindal	Squadron Operations Facility	8,200	8,200
	California			
AF	Edwards Air Force Base	Flight Test Engineering Lab Complex	4,000	4,000
AF	Edwards Air Force Base	Upgrade Munitions Complex	0	28,000
AF	Edwards Air Force Base	Rocket Engineering, Analysis, and Collaboration HUB (REACH).	0	75,000
AF	Vandenberg Air Force Base	GBSD Re-Entry Vehicle Facility	48,000	48,000
AF	Vandenberg Air Force Base	GBSD Stage Processing Facility	19,000	19,000
	Colorado			
AF	Schriever Air Force Base	ADAL Fitness Center	0	30,000
AF	United States Air Force Academy	Add High Bay Vehicle Maintenance	0	4,360
	District of Columbia			
AF	Joint Base Anacostia Bolling	Joint Air Defense Operations Center Ph 2	24,000	24,000
	Florida			
AF	Eglin Air Force Base	Weapons Technology Integration Center	0	100,000
AF	Eglin Air Force Base	HC-Blackfyre Facilities	0	91,000
AF	Eglin Air Force Base	JADC2 & Abms Test Facility	0	21,000
AF	Eglin Air Force Base	F-35A Development/Operational Test 2-Bay Hangar.	0	39,000
AF	Eglin Air Force Base	Integrated Control Facility	0	73,000
AF	Eglin Air Force Base	F-35A Development Test 2-Bay MX Hangar	0	35,000
	Germany			
AF	Spangdahlem Air Base	F/A-22 LO/Composite Repair Facility	22,625	22,625
	Guam			
AF	Joint Region Marianas	Airfield Damage Repair Warehouse	30,000	30,000
AF	Joint Region Marianas	Hayman Munitions Storage Igloos, MSA2	9,824	9,824
AF	Joint Region Marianas	Munitions Storage Igloos IV	55,000	55,000
	Hawaii			
AF	Maui Experimental Site #3	Secure Integration Support Lab W/ Land Acquisition.	0	88,000
	Hungary			
AF	Keesket Air Base	ERI: Construct Airfield Upgrades	20,564	20,564
AF	Keesket Air Base	ERI: Construct Parallel Taxiway	38,650	38,650
	Japan			
AF	Kadena Air Base	Airfield Damage Repair Storage Facility	38,000	38,000
AF	Kadena Air Base	Helicopter Rescue OPS Maintenance Hangar	168,000	83,800
AF	Kadena Air Base	Replace Munitions Structures	26,100	26,100
AF	Misawa Air Base	Airfield Damage Repair Facility	25,000	25,000
AF	Yokota Air Base	C-130J Corrosion Control Hangar	67,000	67,000
AF	Yokota Air Base	Construct CATM Facility	25,000	25,000
	Louisiana			
AF	Barksdale Air Force Base	Weapons Generation Facility, Inc. 1	40,000	40,000
AF	Barksdale Air Force Base	New Entrance Road and Gate Complex	0	36,000
	Maryland			
AF	Joint Base Andrews	Fire Crash Rescue Station	26,000	26,000
AF	Joint Base Andrews	Military Working Dog Kennel	0	7,800
	Massachusetts			
AF	Hanscom Air Force Base	NC3 Acquisitions Management Facility	66,000	66,000
	Nebraska			
AF	Offutt Air Force Base	Replace Trestle F312	0	5,000
	New Mexico			
AF	Holloman Air Force Base	RAMS Indoor Target Flip Facility	0	26,000
AF	Holloman Air Force Base	Holloman High Speed Test Track Recapitalization	0	100,000
AF	Holloman Air Force Base	ADAL Fabrication Shop	0	10,600
AF	Kirtland Air Force Base	High Power Electromagnetic (HPEM) Laboratory	0	58,000
AF	Kirtland Air Force Base	Laser Effects & Simulation Laboratory	0	58,000
AF	Kirtland Air Force Base	ADAL Systems & Engineering Lab	0	22,000
	New Jersey			
AF	Joint Base McGuire-Dix-Lakehurst	SFS OPS Confinement Facility	0	4,500
	Ohio			

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
AF	Wright-Patterson Air Force Base	Child Development Center	0	24,000
AF	Wright-Patterson Air Force Base	Human Performance Wing Laboratory	0	40,000
AF	Wright-Patterson Air Force Base	Bionatronics Research Center Laboratory	0	100,000
	Oklahoma			
AF	Tinker Air Force Base	KC-46A 3-Bay Depot Maintenance Hangar	160,000	60,000
	South Carolina			
AF	Joint Base Charleston	Fire and Rescue Station	0	30,000
	South Dakota			
AF	Ellsworth Air Force Base	B-21 2-Bay LO Restoration Facility, Inc. 2	91,000	50,000
AF	Ellsworth Air Force Base	B-21 ADAL Flight Simulator	24,000	24,000
AF	Ellsworth Air Force Base	B-21 Field Training Detachment Facility	47,000	47,000
AF	Ellsworth Air Force Base	B-21 Formal Training Unit/AMU	70,000	70,000
AF	Ellsworth Air Force Base	B-21 Mission Operations Planning Facility	36,000	36,000
AF	Ellsworth Air Force Base	B-21 Washrack & Maintenance Hangar	65,000	65,000
	Spain			
AF	Moron Air Base	EDI-Hot Cargo Pad	8,542	8,542
	Tennessee			
AF	Arnold Air Force Base	Cooling Water Expansion, Rowland Creek 20009 ..	0	15,500
AF	Arnold Air Force Base	Add/Alter Test Cell Delivery Bay	0	14,600
AF	Arnold Air Force Base	Primary Pumping Station Upgrades	0	90,518
	Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 7	141,000	40,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 8, Inc. 3	31,000	31,000
AF	Joint Base San Antonio—Fort Sam Houston	Child Development Center	0	29,000
AF	Joint Base San Antonio—Fort Sam Houston	Directed Energy Research Center	0	113,000
AF	Joint Base San Antonio—Lackland Air Force Base	Child Development Center	0	22,000
AF	Sheppard Air Force Base	Child Development Center	20,000	20,000
	United Kingdom			
AF	Royal Air Force Fairford	EDI: Construct DABS-FEV Storage	94,000	94,000
AF	Royal Air Force Lakenheath	F-35A Child Development Center	0	24,000
AF	Royal Air Force Lakenheath	F-35A Munition Inspection Facility	31,000	31,000
AF	Royal Air Force Lakenheath	F-35A Weapons Load Training Facility	49,000	49,000
	Utah			
AF	Hill Air Force Base	GBSD Organic Software Sustain Ctr, Inc. 2	31,000	31,000
	Virginia			
AF	Joint Base Langley-Eustis	Fuel Systems Maintenance Dock	0	24,000
	Worldwide Unspecified			
AF	Various Worldwide Locations	EDI: Planning & Design	648	25,648
AF	Various Worldwide Locations	PDI: Planning & Design	27,200	52,200
AF	Various Worldwide Locations	Planning & Design	201,453	161,453
AF	Various Worldwide Locations	Planning & Design for Dormitories and Barracks ..	0	20,000
AF	Various Worldwide Locations	Intelligence, Surveillance, and Reconnaissance Infrastructure Planning and Design.	0	20,000
AF	Various Worldwide Locations	Unspecified Minor Military Construction	58,884	58,884
		Military Construction, Air Force Total	2,102,690	3,265,368
	Alabama			
DefWide	Fort Rucker	10 MW RICE Generator Plant and Microgrid Controls.	24,000	24,000

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
	Belgium			
Def-Wide	Chievres Air Force Base	Europe West District Superintendent's Office	15,000	15,000
	California			
Def-Wide	Camp Pendleton	Veterinary Treatment Facility Replacement	13,600	13,600
Def-Wide	Naval Amphibious Base Coronado	SOF ATC Operations Support Facility	21,700	21,700
Def-Wide	Naval Amphibious Base Coronado	SOF NSWG11 Operations Support Facility	12,000	12,000
Def-Wide	Marine Corps Air Station Miramar	Additional LFG Power Meter Station	4,054	4,054
Def-Wide	Naval Air Weapons Station China Lake	Solar Energy Storage System	9,120	9,120
Def-Wide	Naval Amphibious Base Coronado	SOF Training Command	0	20,500
	Colorado			
Def-Wide	Buckley Air Force Base	JCC Expansion	20,000	20,000
	District of Columbia			
Def-Wide	Joint Base Anacostia-Bolling	DIA HQ Cooling Towers and Cond Pumps	0	2,257
Def-Wide	Joint Base Anacostia-Bolling	PV Carports	0	29,004
	Florida			
Def-Wide	MacDill Air Force Base	Transmission and Switching Stations	22,000	22,000
	Georgia			
Def-Wide	Fort Benning	4.8 MW Generation and Microgrid	17,593	17,593
Def-Wide	Fort Benning	SOF Battalion Headquarters Facility	62,000	62,000
Def-Wide	Fort Stewart	10 MW Generation Plant, With Microgrid Controls	22,000	22,000
Def-Wide	Kings Bay Naval Submarine Base	Electrical Transmission and Distribution	19,314	19,314
	Germany			
Def-Wide	Ramstein Air Base	Ramstein Middle School	93,000	93,000
	Guam			
Def-Wide	Naval Base Guam	Inner Apra Harbor Resiliency Upgrades Ph1	38,300	38,300
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	Veterinary Treatment Facility Replacement	29,800	29,800
	Idaho			
Def-Wide	Mountain Home Air Force Base	Water Treatment Plant and Pump Station	33,800	33,800
	Japan			
Def-Wide	Iwakuni	Fuel Pier	57,700	57,700
Def-Wide	Kadena Air Base	Operations Support Facility	24,000	24,000
Def-Wide	Kadena Air Base	Truck Unload Facilities	22,300	22,300
Def-Wide	Misawa Air Base	Additive Injection Pump and Storage Sys	6,000	6,000
Def-Wide	Naval Air Facility Atsugi	Smart Grid for Utility and Facility Controls	3,810	3,810
Def-Wide	Yokota Air Base	Hangar/AMU	108,253	53,000
	Kuwait			
Def-Wide	Camp Arifjan	Microgrid Controller, 1.25 MW Solar PV, and 1.5 MWH Battery.	15,000	15,000
	Maryland			
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition / Alteration, Inc. 5	153,233	153,233
Def-Wide	Fort Meade	NSAW Mission OPS and Records Center Inc. 1	94,000	94,000
Def-Wide	Fort Meade	NSAW Recap Building 4, Inc. 1	104,100	104,100
Def-Wide	Fort Meade	SOF Operations Facility	100,000	100,000
	Michigan			
Def-Wide	Camp Grayling	650 KW Gas-Fired Micro-Turbine Generation System.	5,700	5,700
	Mississippi			
Def-Wide	Camp Shelby	10 MW Generation Plant and Feeder Level Microgrid System.	0	34,500
Def-Wide	Camp Shelby	Electrical Distribution Infrastructure Undergrounding Hardening Project.	0	11,155
	Missouri			
Def-Wide	Fort Leonard Wood	Hospital Replacement, Inc. 4	160,000	160,000
	New Mexico			
Def-Wide	Kirtland Air Force Base	Environmental Health Facility Replacement	8,600	8,600
	New York			
Def-Wide	Fort Drum	Wellfield Expansion Resiliency Project	0	27,000
	North Carolina			
Def-Wide	Fort Bragg	10 MW Microgrid Utilizing Existing and New Generators.	19,464	19,464
Def-Wide	Fort Bragg	Fort Bragg Emergency Water System	0	7,705

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
	North Dakota			
Def-Wide	Cavalier Air Force Station	Pears Emergency Power Plant Fuel Storage	0	24,150
	Ohio			
Def-Wide	Springfield-Beckley Municipal Airport	Base-Wide Microgrid With Natural Gas Generator, Photovoltaic, and Battery Storage.	4,700	4,700
	Puerto Rico			
Def-Wide	Fort Allen	Microgrid Control System, 690 KW PV, 275 KW Gen, 570 Kwh Bess.	0	12,190
Def-Wide	Punta Borinquen	Ramey Unit School Replacement	84,000	84,000
Def-Wide	Ramey Unit School	Microgrid Control System, 460 KW PV, 275 KW Generator, 660 Kwh Bess.	0	10,120
	Tennessee			
Def-Wide	Memphis International Airport	PV Arrays and Battery Storage	4,780	4,780
	Texas			
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Ph 4	35,000	35,000
	United Kingdom			
Def-Wide	Menwith Hill Station	Rafmh Main Gate Rehabilitation	20,000	20,000
Def-Wide	Royal Air Force Lakenheath	Hospital Replacement-Temporary Facilities	19,283	19,283
	Virginia			
Def-Wide	Fort Belvoir	Veterinary Treatment Facility Replacement	29,800	29,800
Def-Wide	National Geospatial Intelligence Agency Springfield	North Campus East Electrical System Redundancy	0	5,299
Def-Wide	Pentagon	Consolidated Maintenance Complex (RRMC)	20,000	20,000
Def-Wide	Pentagon	Force Protection Perimeter Enhancements	8,608	8,608
Def-Wide	Pentagon	Public Works Support Facility	21,935	21,935
Def-Wide	Various Locations	Led Upgrade Package	365	365
Def-Wide	Various Locations	Recommissioning of Hvac Systems, Part B	2,600	2,600
	Washington			
Def-Wide	Oak Harbor	ACC / Dental Clinic (Oak Harbor)	59,000	59,000
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	DIA Planning and Design	11,000	11,000
Def-Wide	Unspecified Worldwide Locations	DODEA Planning and Design	13,317	13,317
Def-Wide	Unspecified Worldwide Locations	DODEA Unspecified Minor Construction	8,000	8,000
Def-Wide	Unspecified Worldwide Locations	ERCIP Design	40,150	40,150
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	5,615	5,615
Def-Wide	Unspecified Worldwide Locations	INDOPACOM—Planning and Design	0	68,200
Def-Wide	Unspecified Worldwide Locations	MDA Unspecified Minor Construction	4,435	4,435
Def-Wide	Unspecified Worldwide Locations	NSA Planning and Design	83,840	83,840
Def-Wide	Unspecified Worldwide Locations	NSA Unspecified Minor Construction	12,000	12,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	14,194	14,194
Def-Wide	Unspecified Worldwide Locations	SOCOM Unspecified Minor Construction	21,746	21,746
Def-Wide	Unspecified Worldwide Locations	TJS Planning and Design	2,000	2,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	WHS Planning and Design	5,275	5,275
Def-Wide	Various Worldwide Locations	DHA Planning and Design	35,099	35,099
Def-Wide	Various Worldwide Locations	DLA Planning and Design	20,862	20,862
Def-Wide	Various Worldwide Locations	DLA Unspecified Minor Construction	6,668	6,668
Def-Wide	Various Worldwide Locations	SOCOM Planning and Design	20,576	20,576
	Military Construction, Defense-Wide Total		1,957,289	2,154,116
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	205,853	205,853

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
NATO Security Investment Program Total			205,853	205,853
Army NG	Alaska Joint Base Elmendorf-Richardson	Planning and Design for National Guard Readiness Center.	0	5,000
Army NG	California Beale Air Force Base	940 ARW SQ OPS & AMU Complex	0	33,000
Army NG	Connecticut Putnam	National Guard Readiness Center	17,500	17,500
Army NG	Georgia Fort Benning	Post-Initial Mil. Training Unaccomp. Housing	13,200	13,200
Army NG	Guam Barrigada	National Guard Readiness Center Addition	34,000	34,000
Army NG	Idaho Jerome	National Guard Readiness Center	15,000	15,000
Army NG	Illinois Bloomington	National Guard Vehicle Maintenance Shop	15,000	15,000
Army NG	Kansas Topeka	National Guard/Reserve Center Building	16,732	16,732
Army NG	Louisiana Camp Minden	Collective Training Unaccompanied Housing	0	13,800
Army NG	Lake Charles	National Guard Readiness Center	18,500	18,500
Army NG	Maine Saco	National Guard Vehicle Maintenance Shop	21,200	21,200
Army NG	Michigan Camp Grayling	National Guard Readiness Center	0	16,000
Army NG	Mississippi Camp Shelby	Maneuver Area Training Equipment Site	0	15,500
Army NG	Montana Butte	National Guard Readiness Center	16,000	16,000
Army NG	Nebraska Camp Ashland	Collective Training Unaccompanied Housing	0	11,000
Army NG	North Dakota Dickinson	National Guard Readiness Center	15,500	15,500
Army NG	South Carolina Meentire Joint National Guard Base	Hazardous Cargo Pad	0	9,000
Army NG	Virginia Troutville	Combined Support Maintenance Shop Addition	6,900	6,900
Army NG	Troutville	National Guard Readiness Center Addition	6,100	6,100
Army NG	Virginia Army National Guard Sandston	Aircraft Maintenance Hangar	0	5,805
Army NG	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	22,000	28,000
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	39,471	39,471
Military Construction, Army National Guard Total			257,103	372,208
Army Res	Michigan Southfield	Area Maintenance Support Activity	12,000	12,000
Army Res	Ohio Wright-Patterson Air Force Base	AR Center Training Building/ UHS	19,000	19,000
Army Res	Wisconsin Fort McCoy	Transient Training BN HQ	12,200	12,200
Army Res	Fort McCoy	Transient Training Enlisted Barracks	0	29,200
Army Res	Fort McCoy	Transient Training Enlisted Barracks	0	29,200
Army Res	Fort McCoy	Transient Training Enlisted Barracks	0	24,000
Army Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	7,167	7,167
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	14,544	14,544
Military Construction, Army Reserve Total			64,911	147,311
N/MC Res	Michigan Battle Creek	Reserve Center & Vehicle Maintenance Facility	49,090	49,090
N/MC Res	Minnesota Minneapolis	Joint Reserve Intelligence Center	14,350	14,350
N/MC Res	Worldwide Unspecified Unspecified Worldwide Locations	MCNR Planning & Design	1,257	1,257
N/MC Res	Unspecified Worldwide Locations	MCNR Unspecified Minor Construction	2,359	1,359

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
N/MC Res	Unspecified Worldwide Locations	USMCR Planning and Design	4,748	4,748
Military Construction, Naval Reserve Total			71,804	70,804
Air NG	Delaware Newcastle Air National Guard Base	Replace Fuel Cell/Corrosion Control Hangar	0	17,500
Air NG	Idaho Boise Air National Guard Base	Medical Training Facility	0	6,500
Air NG	Illinois Abraham Capital Airport	Civil Engineering Facility	0	10,200
Air NG	Massachusetts Barnes Air National Guard	Combined Engine/ASE/NDI Shop	12,200	12,200
Air NG	Michigan Alpena County Regional Airport	Aircraft Maintenance Hangar/Shops	23,000	23,000
Air NG	W. K. Kellog Regional Airport	Construct Main Base Entrance	10,000	10,000
Air NG	Mississippi Jackson International Airport	Fire Crash and Rescue Station	9,300	9,300
Air NG	New York Schenectady Municipal Airport	C-130 Flight Simulator Facility	10,800	10,800
Air NG	Ohio Camp Perry	Red Horse Logistics Complex	7,800	7,800
Air NG	South Carolina McEntire Joint National Guard Base	F-16 Mission Training Center	9,800	9,800
Air NG	South Dakota Joe Foss Field	F-16 Mission Training Center	9,800	9,800
Air NG	Wisconsin Truax Field	F-35 3-Bay Specialized Hangar	31,000	31,000
Air NG	Truax Field	Medical Readiness Facility	13,200	13,200
Air NG	Worldwide Unspecified Unspecified Worldwide Locations	Unspecified Minor Construction	29,068	29,068
Air NG	Various Worldwide Locations	Planning and Design	18,402	34,402
Air NG	Wyoming Cheyenne Municipal Airport	Combined Vehicle Maintenance & ASE Complex	13,400	13,400
Military Construction, Air National Guard Total			197,770	247,970
AF Res	Florida Homestead Air Force Reserve Base	Corrosion Control Facility	14,000	14,000
AF Res	Minnesota Patrick Air Force Base	Simulator C-130J	18,500	18,500
AF Res	International Airport Minneapolis-St Paul	Mission Support Group Facility	14,000	14,000
AF Res	New York Niagara Falls Air Reserve Station	Main Gate	10,600	10,600
AF Res	Ohio Youngstown Air Reserve Station	Assault Strip Widening	0	8,700
AF Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning & Design	5,830	5,830
AF Res	Unspecified Worldwide Locations	Unspecified Minor Military Construction	15,444	15,444
Military Construction, Air Force Reserve Total			78,374	87,074
FH Con Army	Italy Vicenza	Family Housing New Construction	92,304	92,304
FH Con Army	Kwajalein Atoll Kwajalein Atoll	Family Housing Replacement Construction	0	10,000
FH Con Army	Pennsylvania Tobyhanna Army Depot	Family Housing Replacement Construction	0	7,500
	Puerto Rico			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement
FH Con Army	Fort Buchanan	Family Housing Replacement Construction	0	14,000
FH Con Army	Worldwide Unspecified Locations	Family Housing P & D	7,545	22,545
Family Housing Construction, Army Total			99,849	146,349
FH Ops Army	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	18,077	18,077
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	38,404	38,404
FH Ops Army	Unspecified Worldwide Locations	Leasing	128,110	128,110
FH Ops Army	Unspecified Worldwide Locations	Maintenance	111,181	111,181
FH Ops Army	Unspecified Worldwide Locations	Management	42,850	42,850
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	556	556
FH Ops Army	Unspecified Worldwide Locations	Services	8,277	8,277
FH Ops Army	Unspecified Worldwide Locations	Utilities	43,772	43,772
Family Housing Operation And Maintenance, Army Total			391,227	391,227
FH Con Navy	Worldwide Unspecified Unspecified Worldwide Locations	Construction Improvements	71,884	71,884
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	3,634	3,634
FH Con Navy	Unspecified Worldwide Locations	USMC DPRI/Guam Planning and Design	2,098	2,098
Family Housing Construction, Navy And Marine Corps Total			77,616	77,616
FH Ops Navy	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	16,537	16,537
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	54,544	54,544
FH Ops Navy	Unspecified Worldwide Locations	Leasing	62,567	62,567
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	95,417	95,417
FH Ops Navy	Unspecified Worldwide Locations	Management	54,083	54,083
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	285	285
FH Ops Navy	Unspecified Worldwide Locations	Services	17,637	17,637
FH Ops Navy	Unspecified Worldwide Locations	Utilities	56,271	56,271
Family Housing Operation And Maintenance, Navy And Marine Corps Total			357,341	357,341
FH Con AF	Georgia Robins Air Force Base	Robins 2 MHPI Restructure	6,000	6,000
FH Con AF	Nebraska Offutt Air Force Base	Offutt MHPI Restructure	50,000	50,000
FH Con AF	Worldwide Unspecified Locations	Construction Improvements	49,258	49,258
FH Con AF	Unspecified Worldwide Locations	Planning & Design	10,458	10,458
Family Housing Construction, Air Force Total			115,716	115,716
FH Ops AF	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	26,842	26,842
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	23,275	23,275
FH Ops AF	Unspecified Worldwide Locations	Leasing	9,520	9,520
FH Ops AF	Unspecified Worldwide Locations	Maintenance	141,754	141,754

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)					
Account	State/Country and Installation	Project Title	FY 2022 Request	House Agreement	
FH Ops AF	Unspecified Worldwide Locations	Management	70,062	70,062	
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	2,200	2,200	
FH Ops AF	Unspecified Worldwide Locations	Services	8,124	8,124	
FH Ops AF	Unspecified Worldwide Locations	Utilities	43,668	43,668	
Family Housing Operation And Maintenance, Air Force Total			325,445	325,445	
Worldwide Unspecified					
FH Ops DW	Unspecified Worldwide Locations	DIA Furnishings	656	656	
FH Ops DW	Unspecified Worldwide Locations	DIA Leasing	31,430	31,430	
FH Ops DW	Unspecified Worldwide Locations	DIA Utilities	4,166	4,166	
FH Ops DW	Unspecified Worldwide Locations	Maintenance	49	49	
FH Ops DW	Unspecified Worldwide Locations	NSA Furnishings	83	83	
FH Ops DW	Unspecified Worldwide Locations	NSA Leasing	13,387	13,387	
FH Ops DW	Unspecified Worldwide Locations	NSA Utilities	14	14	
Family Housing Operation And Maintenance, Defense-Wide Total			49,785	49,785	
Worldwide Unspecified					
FHIF	Unspecified Worldwide Locations	Administrative Expenses—FHIF	6,081	6,081	
Unaccompanied Housing Improvement Fund Total			6,081	6,081	
Worldwide Unspecified					
UHIF	Unspecified Worldwide Locations	Administrative Expenses—UHIF	494	494	
Unaccompanied Housing Improvement Fund Total			494	494	
Worldwide Unspecified					
BRAC	Base Realignment & Closure, Army	Base Realignment and Closure	65,301	115,301	
Base Realignment and Closure—Army Total			65,301	115,301	
Worldwide Unspecified					
BRAC	Unspecified Worldwide Locations	Base Realignment & Closure	111,155	161,155	
Base Realignment and Closure—Navy Total			111,155	161,155	
Worldwide Unspecified					
BRAC	Unspecified Worldwide Locations	DOD BRAC Activities—Air Force	104,216	154,216	
Base Realignment and Closure—Air Force Total			104,216	154,216	
Worldwide Unspecified					
BRAC	Unspecified Worldwide Locations	Int—4: DLA Activities	3,967	3,967	
Base Realignment and Closure—Defense-wide Total			3,967	3,967	
Total, Military Construction			9,847,031	13,420,950	

1 **TITLE XLVII—DEPARTMENT OF**
 2 **ENERGY NATIONAL SECURITY**
 3 **PROGRAMS**

4 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
 5 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2022 Request	House Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear Energy	149,800	149,800
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	15,484,295	15,944,295
Defense nuclear nonproliferation	1,934,000	1,994,500
Naval reactors	1,860,705	1,860,705
Federal salaries and expenses	464,000	464,000
Total, National Nuclear Security Administration	19,743,000	20,263,500
Environmental and other defense activities:		
Defense environmental cleanup	6,841,670	6,848,170
Other defense activities	1,170,000	920,000
Total, Environmental & other defense activities	8,011,670	7,768,170
Total, Atomic Energy Defense Activities	27,754,670	28,031,670
Total, Discretionary Funding	27,904,470	28,181,470
Nuclear Energy		
Idaho site-wide safeguards and security	149,800	149,800
Total, Nuclear Energy	149,800	149,800
Stockpile Management		
Stockpile Major Modernization		
B61-12 Life extension program	771,664	771,664
W88 Alteration Program	207,157	207,157
W80-4 Life extension program	1,080,400	1,080,400
W80-4 ALT SLCM	10,000	10,000
W87-1 Modification Program	691,031	691,031
W93 Program	72,000	72,000
Total, Stockpile Major Modernization	2,832,252	2,832,252
Stockpile services		
Production Operations	568,941	568,941
Stockpile Sustainment	1,180,483	1,128,483
No funds for B83 service life extension		[-52,000]
Weapons Dismantlement and Disposition	51,000	51,000
Subtotal, Stockpile Services	1,800,424	1,748,424
Total, Stockpile Management	4,632,676	4,580,676
Weapons Activities		
Production Modernization		
Primary Capability Modernization		
Plutonium Modernization		
Los Alamos Plutonium Modernization		
Los Alamos Plutonium Operations	660,419	660,419
21-D-512 Plutonium Pit Production Project, LANL	350,000	350,000
Subtotal, Los Alamos Plutonium Modernization	1,010,419	1,010,419
Savannah River Plutonium Modernization		
Savannah River Plutonium Operations	128,000	128,000
21-D-511 Savannah River Plutonium Processing Facility, SRS	475,000	475,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2022 Request	House Authorized
Subtotal, Savannah River Plutonium Modernization	603,000	603,000
Enterprise Plutonium Support	107,098	107,098
Total, Plutonium Modernization	1,720,517	1,720,517
High Explosives and Energetics	68,785	68,785
Total, Primary Capability Modernization	1,789,302	1,789,302
Secondary Capability Modernization	488,097	488,097
Tritium and Domestic Uranium Enrichment	489,017	489,017
Non-Nuclear Capability Modernization	144,563	144,563
Total, Production Modernization	2,910,979	2,910,979
 Stockpile Research, Technology, and Engineering		
Assessment Science	689,578	689,578
Engineering and Integrated Assessments	336,766	351,766
Program increase for plutonium aging assessments		[15,000]
Inertial Confinement Fusion	529,000	600,000
Program Increase		[71,000]
Advanced Simulation and Computing	747,012	747,012
Weapon Technology and Manufacturing Maturation	292,630	292,630
Academic Programs	85,645	85,645
Total, Stockpile Research, Technology, and Engineering	2,680,631	2,766,631
 Infrastructure and Operations		
Operations of facilities	1,014,000	1,014,000
Safety and environmental operations	165,354	165,354
Maintenance and repair of facilities	670,000	1,020,000
Program increase		[350,000]
Recapitalization:		
Infrastructure and safety	508,664	508,664
Capability based investments	143,066	143,066
Total, Recapitalization	651,730	651,730
 Construction:		
22-D-513 Power Sources Capability, SNL	13,827	13,827
21-D-510, HE Synthesis, Formulation, and Production Facility, PX	44,500	44,500
18-D-690, Lithium Processing Facility, Y-12	171,902	171,902
18-D-650, Tritium Finishing Facility, SRS	27,000	27,000
17-D-640, U1a Complex Enhancements Project, NNSS	135,000	135,000
15-D-302, TA-55 Reinvestment Project—Phase 3, LANL	27,000	27,000
06-D-141, Uranium Processing Facility, Y-12	524,000	600,000
Program increase		[76,000]
04-D-125, Chemistry and Metallurgy Research Replacement Project, LANL	138,123	138,123
22-D-514 Digital Infrastructure Capability Expansion	8,000	8,000
Total, Construction	1,089,352	1,165,352
Total, Infrastructure and operations	3,590,436	4,016,436
 Secure transportation asset		
Operations and equipment	213,704	213,704
Program direction	123,060	123,060
Total, Secure transportation asset	336,764	336,764
 Defense Nuclear Security		
Construction:	824,623	824,623
17-D-710 West end protected area reduction project, Y-12	23,000	23,000
Total, Defense nuclear security	847,623	847,623
Information technology and cybersecurity	406,530	406,530
Legacy contractor pensions	78,656	78,656
Total, Weapons Activities	15,484,295	15,944,295
 Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Global material security		
International nuclear security	79,939	79,939
Domestic radiological security	158,002	158,002
International radiological security	85,000	85,000

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SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)

Program	FY 2022 Request	House Authorized
Nuclear smuggling detection and deterrence	175,000	175,000
Total, Global material security	497,941	497,941
Material management and minimization		
Conversion	100,660	100,660
Nuclear material removal	42,100	42,100
Material disposition	200,186	200,186
Total, Material management & minimization	342,946	342,946
Nonproliferation and arms control	184,795	184,795
National Technical Nuclear Forensics R&D	45,000	45,000
Defense nuclear nonproliferation R&D		
Proliferation Detection	269,407	299,407
Nuclear verification and detection, next-gen technologies		[30,000]
Nuclear Detonation Detection	271,000	271,000
Nonproliferation Stewardship Program	87,329	105,829
Program increase		[18,500]
Total, Defense nuclear nonproliferation R&D	627,736	676,236
Nonproliferation Construction:		
18-D-150 Surplus Plutonium Disposition Project, SRS	156,000	149,500
Program decrease		[-6,500]
Total, Nonproliferation construction	156,000	149,500
Total, Defense Nuclear Nonproliferation Programs	1,854,418	1,896,418
Legacy contractor pensions	38,800	38,800
Nuclear counterterrorism and incident response program	356,185	374,685
Program increase		[18,500]
Emergency Operations	14,597	14,597
Use of prior-year MOX balances	-330,000	-330,000
Total, Defense Nuclear Nonproliferation	1,934,000	1,994,500
Naval Reactors		
Naval reactors development	635,684	635,684
Columbia-Class reactor systems development	55,000	55,000
S8G Prototype refueling	126,000	126,000
Naval reactors operations and infrastructure	599,017	599,017
Construction:		
22-D-532 Security Upgrades KL	5,100	5,100
22-D-531 KL Chemistry & Radiological Health Building	41,620	41,620
14-D-901 Spent Fuel Handling Recapitalization Project, NRF	348,705	348,705
Use of prior year balances	-6,000	-6,000
Total, Construction	389,425	389,425
Program direction	55,579	55,579
Total, Naval Reactors	1,860,705	1,860,705
Federal Salaries And Expenses		
Program direction	464,000	464,000
Total, Office Of The Administrator	464,000	464,000
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	3,987	3,987
Richland:		
River corridor and other cleanup operations	196,000	196,000
Central plateau remediation	689,776	689,776
Richland community and regulatory support	5,121	5,121
Construction:		
18-D-404 Modification of Waste Encapsulation and Storage Facility	8,000	8,000
22-D-401 L-888, 400 Area Fire Station	15,200	15,200
22-D-402 L-897, 200 Area Water Treatment Facility	12,800	12,800
Total, Construction	36,000	36,000
Total, Hanford site	926,897	926,897

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2022 Request	House Authorized
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	50,000	50,000
Rad liquid tank waste stabilization and disposition	817,642	817,642
Tank farm activities		0
Construction:		
18-D-16 Waste treatment and immobilization plant—LBI/Direct feed LAW	586,000	586,000
01-D-16D High-Level Waste Facility	60,000	60,000
01-D-16E Pretreatment Facility	20,000	20,000
Total, Construction	666,000	666,000
ORP Low-level waste offsite disposal	7,000	7,000
Total, Office of River Protection	1,540,642	1,540,642
Idaho National Laboratory:		
Idaho cleanup and waste disposition	358,925	358,925
Idaho excess facilities R&D		
Idaho community and regulatory support	2,658	2,658
Construction:		
22-D-403 Idaho Spent Nuclear Fuel Staging Facility	3,000	3,000
22-D-404 Additional ICDF Landfill Disposal Cell and Evapo- ration Ponds Project	5,000	5,000
Total, Construction	8,000	8,000
Total, Idaho National Laboratory	369,583	369,583
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,806	1,806
LLNL Excess Facilities D&D	35,000	35,000
Nuclear facility D & D		
Separations Process Research Unit	15,000	15,000
Nevada	60,737	60,737
Sandia National Laboratories	4,576	4,576
Los Alamos National Laboratory	275,119	275,119
Los Alamos Excess Facilities D&D	58,381	58,381
Total, NNSA sites and Nevada off-sites	450,619	450,619
Oak Ridge Reservation:		
OR Nuclear facility D & D	274,923	274,923
Total, OR Nuclear facility D & D	274,923	274,923
U233 Disposition Program	55,000	55,000
OR cleanup and disposition	73,725	73,725
Construction:		
17-D-401 On-site waste disposal facility	12,500	12,500
Total, Construction	12,500	12,500
Total, OR cleanup and waste disposition	141,225	141,225
OR community & regulatory support	5,096	5,096
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	424,244	424,244
Savannah River Sites:		
Savannah River risk management operations		
Nuclear Material	312,760	312,760
Solid Waste Stabilization and Disposition	45,968	45,968
Soil and Water Remediation	55,439	55,439
Risk Reduction Deactivation and Surveillance	21,000	21,000
Infrastructure and Land Management	17,557	17,557
Construction:		
18-D-402 Emergency Operations Center Replacement, SR	8,999	8,999
Total, risk management operations	461,723	461,723
Savannah River Legacy Pensions	130,882	130,882
SR community and regulatory support	5,805	12,305
Program increase		[6,500]
Radioactive liquid tank waste stabilization and disposition	890,865	890,865
Construction:		
20-D-401 Saltstone Disposal Unit #10, 11, 12	19,500	19,500

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SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2022 Request	House Authorized
19-D-701 SR Security sytem replacement	5,000	5,000
18-D-402 Saltstone Disposal Unit #8/9	68,000	68,000
Total, Construction	92,500	92,500
Total, Savannah River site	1,581,775	1,588,275
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	350,424	350,424
Construction:		
15-D-411 Safety significant confinement ventilation system, WIPP	55,000	55,000
15-D-412 Exhaust Shaft, WIPP	25,000	25,000
Total, Construction	80,000	80,000
Total, Waste Isolation Pilot Plant	430,424	430,424
Program direction	293,106	293,106
Program support	62,979	62,979
Technology development	25,000	25,000
Safeguards and Security	316,744	316,744
Federal Contribution to the Uranium Enrichment D&D Fund	415,670	415,670
Total, Defense Environmental Cleanup	6,841,670	6,848,170
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	130,809	130,809
Program direction	75,511	75,511
Total, Environment, Health, safety and security	206,320	206,320
Independent enterprise assessments		
Independent enterprise assessments	27,335	27,335
Program direction	56,049	56,049
Total, Independent enterprise assessments	83,384	83,384
Specialized security activities	283,500	283,500
Office of Legacy Management		
Legacy management	408,797	158,797
Rejection of proposed transfer of FUSRAP		[-250,000]
Program direction	19,933	19,933
Total, Office of Legacy Management	428,730	178,730
Defense related administrative support	163,710	163,710
Office of hearings and appeals	4,356	4,356
Subtotal, Other defense activities	1,170,000	920,000
Total, Other Defense Activities	1,170,000	920,000

1 **DIVISION E—NON-DEPARTMENT**
2 **OF DEFENSE MATTERS**
3 **TITLE L—BARRY GOLDWATER**
4 **SCHOLARSHIP AND EXCEL-**
5 **LENCE IN EDUCATION MOD-**
6 **ERNIZATION ACT**

7 **SEC. 5001. SHORT TITLE.**

8 This title may be cited as the “Barry Goldwater
9 Scholarship and Excellence in Education Modernization
10 Act of 2021”.

11 **SEC. 5002. CLARIFYING AMENDMENTS TO DEFINITIONS.**

12 Section 1403 of the Barry Goldwater Scholarship and
13 Excellence in Education Act (20 U.S.C. 4702) is amend-
14 ed—

15 (1) by striking paragraph (5) and inserting the
16 following:

17 “(5) The term ‘State’ means each of the 50
18 States, the District of Columbia, the Commonwealth
19 of Puerto Rico, Guam, the United States Virgin Is-
20 lands, American Samoa, the Commonwealth of the
21 Northern Mariana Islands, the Republic of the Mar-
22 shall Islands, the Federated States of Micronesia,
23 and the Republic of Palau.”; and

24 (2) in paragraph (6), by inserting “, a resident
25 of a State,” after “national of the United States”.

1 **SEC. 5003. BARRY GOLDWATER SCHOLARSHIP AND EXCEL-**
2 **LENCE IN EDUCATION AWARDS.**

3 (a) AWARD OF SCHOLARSHIPS, FELLOWSHIPS, AND
4 RESEARCH INTERNSHIPS.—Section 1405(a) of the Barry
5 Goldwater Scholarship and Excellence in Education Act
6 (20 U.S.C. 4704(a)) is amended—

7 (1) in the subsection heading, by striking
8 “AWARD OF SCHOLARSHIPS AND FELLOWSHIPS”
9 and inserting “AWARD OF SCHOLARSHIPS, FELLOW-
10 SHIPS, AND RESEARCH INTERNSHIPS”;

11 (2) in paragraph (1)—

12 (A) by striking “scholarships and fellow-
13 ships” and inserting “scholarships, fellowships,
14 and research internships”; and

15 (B) by striking “science and mathematics”
16 and inserting “the natural sciences, engineer-
17 ing, and mathematics”;

18 (3) in paragraph (2), by striking “mathematics
19 and the natural sciences” and inserting “the natural
20 sciences, engineering, and mathematics, which shall
21 be prioritized for students attending community col-
22 leges and minority-serving institutions specified in
23 section 371(a) of the Higher Education Act of 1965
24 (20 U.S.C. 1067q(a))”;

1 (4) in paragraph (3), by striking “mathematics
2 and the natural sciences” and inserting “the natural
3 sciences, engineering, and mathematics”;

4 (5) by redesignating paragraph (4) as para-
5 graph (5);

6 (6) in paragraph (5), as so redesignated, by
7 striking “scholarships and fellowships” and inserting
8 “scholarships, fellowships, and research intern-
9 ships”; and

10 (7) by inserting after paragraph (3) the fol-
11 lowing:

12 “(4) Research internships shall be awarded to
13 outstanding undergraduate students who intend to
14 pursue careers in the natural sciences, engineering,
15 and mathematics, which shall be prioritized for stu-
16 dents attending community colleges and minority-
17 serving institutions specified in section 371(a) of the
18 Higher Education Act of 1965 (20 U.S.C.
19 1067q(a)).”.

20 (b) BARRY GOLDWATER SCHOLARS AND RESEARCH
21 INTERNS.—Section 1405(b) of the Barry Goldwater
22 Scholarship and Excellence in Education Act (20 U.S.C.
23 4704(b)) is amended—

24 (1) in the subsection heading, by adding “AND
25 RESEARCH INTERNS” after “SCHOLARS”; and

1 (2) by adding at the end the following: “Recipi-
2 ents of research internships under this title shall be
3 known as ‘Barry Goldwater Interns’.”.

4 **SEC. 5004. STIPENDS.**

5 Section 1406 of the Barry Goldwater Scholarship and
6 Excellence in Education Act (20 U.S.C. 4705) is amended
7 by adding at the end the following: “Each person awarded
8 a research internship under this title shall receive a sti-
9 pend as may be prescribed by the Board, which shall not
10 exceed the maximum stipend amount awarded for a schol-
11 arship or fellowship.”.

12 **SEC. 5005. SCHOLARSHIP AND RESEARCH INTERNSHIP**
13 **CONDITIONS.**

14 Section 1407 of the Barry Goldwater Scholarship and
15 Excellence in Education Act (20 U.S.C. 4706) is amend-
16 ed—

17 (1) in the section heading, by inserting “**AND**
18 **RESEARCH INTERNSHIP**” after “**SCHOLARSHIP**”;

19 (2) in subsection (a), by striking the subsection
20 heading and inserting “**SCHOLARSHIP CONDITIONS**”;

21 (3) in subsection (b), by striking the subsection
22 heading and inserting “**REPORTS ON SCHOLAR-**
23 **SHIPS**”; and

24 (4) by adding at the end the following:

1 “(c) RESEARCH INTERNSHIP CONDITIONS.—A per-
2 son awarded a research internship under this title may
3 receive payments authorized under this title only during
4 such periods as the Foundation finds that the person is
5 maintaining satisfactory proficiency and is not engaging
6 in gainful employment other than employment approved
7 by the Foundation pursuant to regulations of the Board.

8 “(d) REPORTS ON RESEARCH INTERNSHIPS.—The
9 Foundation may require reports containing such informa-
10 tion in such form and to be filed at such times as the
11 Foundation determines to be necessary from any person
12 awarded a research internship under this title. Such re-
13 ports may be accompanied by a certificate from an appro-
14 priate official at the institution of higher education or in-
15 ternship employer, approved by the Foundation, stating
16 that such person is maintaining satisfactory progress in
17 the internship, and is not engaged in gainful employment,
18 except as otherwise provided in subsection (c).”.

19 **SEC. 5006. SUSTAINABLE INVESTMENTS OF FUNDS.**

20 Section 1408 of the Barry Goldwater Scholarship and
21 Excellence in Education Act (20 U.S.C. 4707) is amend-
22 ed—

23 (1) by redesignating subsections (c) and (d) as
24 subsections (d) and (e), respectively; and

1 (2) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) INVESTMENT IN SECURITIES.—Notwithstanding
4 subsection (b), the Secretary of the Treasury may invest
5 up to 40 percent of any public or private funds received
6 by the Foundation after the date of enactment of the
7 Barry Goldwater Scholarship and Excellence in Education
8 Modernization Act of 2021 in securities other than public
9 debt securities of the United States, if—

10 “(1) the Secretary receives a determination
11 from the Board that such investments are necessary
12 to enable the Foundation to carry out the purposes
13 of this title; and

14 “(2) the securities in which such funds are in-
15 vested are traded in established United States mar-
16 kets.

17 “(d) CONSTRUCTION.—Nothing in this section shall
18 be construed to limit the authority of the Board to in-
19 crease the number of scholarships provided under section
20 4704, or to increase the amount of the stipend authorized
21 by section 4705, as the Board considers appropriate and
22 is otherwise consistent with the requirements of this
23 title.”.

1 **SEC. 5007. ADMINISTRATIVE PROVISIONS.**

2 Section 1411(a) of the Barry Goldwater Scholarship
3 and Excellence in Education Act (20 U.S.C. 4710(a)) is
4 amended—

5 (1) by striking paragraph (1) and inserting the
6 following:

7 “(1) appoint and fix the rates of basic pay of
8 not more than three employees (in addition to the
9 Executive Secretary appointed under section 4709)
10 to carry out the provisions of this title, without re-
11 gard to the provisions in chapter 33 of title 5,
12 United States Code, governing appointment in the
13 competitive service or the provisions of chapter 51
14 and subchapter III of chapter 53 of such title, ex-
15 cept that—

16 “(A) a rate of basic pay set under this
17 paragraph may not exceed the maximum rate
18 provided for employees in grade GS-15 of the
19 General Schedule under section 5332 of title 5,
20 United States Code; and

21 “(B) the employee shall be entitled to the
22 applicable locality-based comparability payment
23 under section 5304 of title 5, United States
24 Code, subject to the applicable limitation estab-
25 lished under subsection (g) of such section;”;

1 (2) in paragraph (2), by striking “grade GS–18
2 under section 5332 of such title” and inserting
3 “level IV of the Executive Schedule”;

4 (3) in paragraph (7), by striking “and” at the
5 end;

6 (4) by redesignating paragraph (8) as para-
7 graph (10); and

8 (5) by inserting after paragraph (7) the fol-
9 lowing:

10 “(8) expend not more than 5 percent of the
11 Foundation’s annual operating budget on programs
12 that, in addition to or in conjunction with the Foun-
13 dation’s scholarship financial awards, support the
14 development of Goldwater Scholars throughout their
15 professional careers;

16 “(9) expend not more than 5 percent of the
17 Foundation’s annual operating budget to pay the
18 costs associated with fundraising activities, including
19 public and private gatherings; and”.

1 **TITLE LI—FINANCIAL SERVICES**
2 **MATTERS**

3 **SEC. 5101. ENHANCED PROTECTION AGAINST DEBT COL-**
4 **LECTOR HARASSMENT OF**
5 **SERVICEMEMBERS.**

6 (a) COMMUNICATION IN CONNECTION WITH DEBT
7 COLLECTION.—Section 805 of the Fair Debt Collection
8 Practices Act (15 U.S.C. 1692c) is amended by adding
9 at the end the following:

10 “(e) COMMUNICATIONS CONCERNING SERVICEMEM-
11 BER DEBTS.—

12 “(1) DEFINITION.—In this subsection, the term
13 ‘covered member’ means—

14 “(A) a covered member or a dependent as
15 defined in section 987(i) of title 10, United
16 States Code; and

17 “(B)(i) an individual who was separated,
18 discharged, or released from duty described in
19 such section 987(i)(1), but only during the 365-
20 day period beginning on the date of separation,
21 discharge, or release; or

22 “(ii) a person, with respect to an individual
23 described in clause (i), described in subpara-
24 graph (A), (D), (E), or (I) of section 1072(2)
25 of title 10, United States Code.

1 “(2) PROHIBITIONS.—A debt collector may not,
2 in connection with the collection of any debt of a
3 covered member—

4 “(A) threaten to have the covered member
5 reduced in rank;

6 “(B) threaten to have the covered mem-
7 ber’s security clearance revoked; or

8 “(C) threaten to have the covered member
9 prosecuted under chapter 47 of title 10, United
10 States Code (the Uniform Code of Military Jus-
11 tice).”.

12 (b) UNFAIR PRACTICES.—Section 808 of the Fair
13 Debt Collection Practices Act (15 U.S.C. 1692f) is amend-
14 ed by adding at the end the following:

15 “(9) The representation to any covered member
16 (as defined under section 805(e)(1)) that failure to
17 cooperate with a debt collector will result in—

18 “(A) a reduction in rank of the covered
19 member;

20 “(B) a revocation of the covered member’s
21 security clearance; or

22 “(C) prosecution under chapter 47 of title
23 10, United States Code (the Uniform Code of
24 Military Justice).”.

1 **SEC. 5102. COMPTROLLER GENERAL STUDY ON ENHANCED**
2 **PROTECTION AGAINST DEBT COLLECTOR**
3 **HARASSMENT OF SERVICEMEMBERS.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall conduct a study of the effects of the amend-
6 ments made by section 5101 on—

7 (1) the timely delivery of information to a cov-
8 ered member (as defined in section 805(e) of the
9 Fair Debt Collection Practices Act, as added by such
10 section);

11 (2) military readiness; and

12 (3) national security, including the extent to
13 which covered members with security clearances
14 would be affected by uncollected debt.

15 (b) REPORT.—Not later than one year after the date
16 of the enactment of this Act, the Comptroller General shall
17 submit to the Committee on Financial Services, the Com-
18 mittee on Armed Services, and Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 a report on the study required under subsection (a).

1 **SEC. 5103. SUPPORT TO ENHANCE THE CAPACITY OF**
2 **INTERNATIONAL MONETARY FUND MEMBERS**
3 **TO EVALUATE THE LEGAL AND FINANCIAL**
4 **TERMS OF SOVEREIGN DEBT CONTRACTS.**

5 (a) IN GENERAL.—Title XVI of the International Fi-
6 nancial Institutions Act (22 U.S.C. 262p–262p–13) is
7 amended by adding at the end the following:

8 **“SEC. 1630. SUPPORT TO ENHANCE THE CAPACITY OF FUND**
9 **MEMBERS TO EVALUATE THE LEGAL AND FI-**
10 **NANCIAL TERMS OF SOVEREIGN DEBT CON-**
11 **TRACTS.**

12 “The Secretary of the Treasury shall instruct the
13 United States Executive Director at the International
14 Monetary Fund to use the voice and vote of the United
15 States to advocate that the Fund promote international
16 standards and best practices with respect to sovereign
17 debt contracts and provide technical assistance to Fund
18 members, and in particular to lower middle-income coun-
19 tries and countries eligible to receive assistance from the
20 International Development Association, seeking to en-
21 hance their capacity to evaluate the legal and financial
22 terms of sovereign debt contracts with multilateral, bilat-
23 eral, and private sector creditors.”.

24 (b) REPORT TO THE CONGRESS.—Within 1 year after
25 the date of the enactment of this Act, and annually there-
26 after for the next 4 years, the Secretary of the Treasury

1 shall report to the Committee on Financial Services of the
2 House of Representatives and the Committee on Foreign
3 Relations of the Senate on—

4 (1) the activities of the International Monetary
5 Fund in the then most recently completed fiscal year
6 to provide technical assistance described in section
7 1630 of the International Financial Institutions Act,
8 including the ability of the Fund to meet the de-
9 mand for the assistance; and

10 (2) the efficacy of efforts by the United States
11 to achieve the policy goal described in such section
12 and any further actions that should be taken, if nec-
13 essary, to implement that goal.

14 (c) SUNSET.—The amendment made by subsection
15 (a) shall have no force or effect after the 5-year period
16 that begins with the date of the enactment of this Act.

17 **SEC. 5104. ADVERSE INFORMATION IN CASES OF TRAF-**
18 **FICKING.**

19 (a) IN GENERAL.—The Fair Credit Reporting Act
20 (15 U.S.C. 1681 et seq.) is amended by inserting after
21 section 605B the following:

22 **“§ 605C. Adverse information in cases of trafficking**

23 “(a) IN GENERAL.—A consumer reporting agency
24 may not furnish a consumer report containing any adverse
25 item of information about a consumer that resulted from

1 a severe form of trafficking in persons or sex trafficking
2 if the consumer has provided trafficking documentation to
3 the consumer reporting agency.

4 “(b) RULEMAKING.—

5 “(1) IN GENERAL.—The Director shall, not
6 later than 180 days after the date of the enactment
7 of this section, issue a rule to implement subsection
8 (a).

9 “(2) CONTENTS.—The rule issued pursuant to
10 paragraph (1) shall establish a method by which
11 consumers shall submit trafficking documentation to
12 consumer reporting agencies.

13 “(c) DEFINITIONS.—

14 “(1) TRAFFICKING DOCUMENTATION.—The
15 term trafficking documentation means—

16 “(A) documentation of either—

17 “(i) a determination by a Federal or
18 State government entity that a consumer is
19 a victim of trafficking; or

20 “(ii) a determination by a court of
21 competent jurisdiction that a consumer is
22 a victim of trafficking; and

23 “(B) documentation that identifies items
24 of adverse information that should not be fur-
25 nished by a consumer reporting agency because

1 the items resulted from the severe form of traf-
2 ficking in persons or sex trafficking of which
3 such consumer is a victim.

4 “(2) VICTIM OF TRAFFICKING.—For the pur-
5 poses of this section, the term “victim of traf-
6 ficking” means a person who is a victim of a severe
7 form of trafficking in persons or sex trafficking, as
8 such terms are defined in section 103 of the Traf-
9 ficking Victims Protection Act of 2000.”.

10 (b) TABLE OF CONTENTS AMENDMENT.—The table
11 of contents of the Fair Credit Reporting Act is amended
12 by inserting after the item relating to section 605B the
13 following new item:

“605C. Adverse information in cases of trafficking.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply on the date that is 30 days after
16 the date on which the Director of the Bureau of Consumer
17 Financial Protection issues a rule pursuant to section
18 605C(b) of the Fair Credit Reporting Act.

19 **SEC. 5105. UNITED STATES POLICY REGARDING INTER-**
20 **NATIONAL FINANCIAL INSTITUTION ASSIST-**
21 **ANCE WITH RESPECT TO ADVANCED WIRE-**
22 **LESS TECHNOLOGIES.**

23 (a) IN GENERAL.—The Secretary of the Treasury (in
24 this section referred to as the “Secretary”) shall instruct
25 the United States Executive Director at each international

1 financial institution (as defined in section 1701(c)(2) of
2 the International Financial Institutions Act) that it is the
3 policy of the United States to—

4 (1) support assistance by the institution with
5 respect to advanced wireless technologies (such as
6 5th generation wireless technology for digital cellular
7 networks and related technologies) only if the tech-
8 nologies provide appropriate security for users;

9 (2) proactively encourage assistance with re-
10 spect to infrastructure or policy reforms that facili-
11 tate the use of secure advanced wireless tech-
12 nologies; and

13 (3) cooperate, to the maximum extent prac-
14 ticable, with member states of the institution, par-
15 ticularly with United States allies and partners, in
16 order to strengthen international support for such
17 technologies.

18 (b) WAIVER AUTHORITY.—The Secretary may waive
19 subsection (a) on a case-by-case basis, on reporting to the
20 Committee on Financial Services of the House of Rep-
21 resentatives and the Committee on Foreign Relations of
22 the Senate that the waiver—

23 (1) will allow the United States to effectively
24 promote the objectives of the policy described in sub-
25 section (a); or

1 (2) is in the national interest of the United
2 States, with an explanation of the reasons therefor.

3 (c) PROGRESS REPORT.—The Chairman of the Na-
4 tional Advisory Council on International Monetary and Fi-
5 nancial Policies shall include in the annual report required
6 by section 1701 of the International Financial Institutions
7 Act a description of progress made toward advancing the
8 policy described in subsection (a) of this section.

9 (d) SUNSET.—The preceding provisions of this sec-
10 tion shall have no force or effect after the earlier of—

11 (1) the date that is 7 years after the date of the
12 enactment of this Act; or

13 (2) the date that the Secretary reports to the
14 committees specified in subsection (b) that termi-
15 nating the effectiveness of the provisions is impor-
16 tant to the national interest of the United States,
17 with a detailed explanation of the reasons therefor.

18 **SEC. 5106. PROTECTIONS FOR OBLIGORS AND COSIGNERS**

19 **IN CASE OF DEATH OR TOTAL AND PERMA-**
20 **NENT DISABILITY.**

21 (a) IN GENERAL.—Section 140(g) of the Truth in
22 Lending Act (15 U.S.C. 1650(g)) is amended—

23 (1) in paragraph (2)—

24 (A) in the heading, by striking “IN CASE
25 OF DEATH OF BORROWER”;

1 (B) in subparagraph (A), by inserting after
2 “of the death”, the following: “or total and per-
3 manent disability”; and

4 (C) in subparagraph (C), by inserting after
5 “of the death”, the following: “or total and per-
6 manent disability”; and

7 (2) by adding at the end the following:

8 “(3) DISCHARGE IN CASE OF DEATH OR TOTAL
9 AND PERMANENT DISABILITY OF BORROWER.—The
10 holder of a private education loan shall, when noti-
11 fied of the death or total and permanent disability
12 of a student obligor, discharge the liability of the
13 student obligor on the loan and may not, after such
14 notification—

15 “(A) attempt to collect on the outstanding
16 liability of the student obligor; and

17 “(B) in the case of total and permanent
18 disability, monitor the disability status of the
19 student obligor at any point after the date of
20 discharge.

21 “(4) TOTAL AND PERMANENT DISABILITY DE-
22 FINED.—For the purposes of this subsection and
23 with respect to an individual, the term ‘total and
24 permanent disability’ means the individual is totally
25 and permanently disabled, as such term is defined in

1 section 685.102(b) of title 34 of the Code of Federal
2 Regulations.

3 “(5) PRIVATE DISCHARGE IN CASES OF CER-
4 TAIN DISCHARGE FOR DEATH OR DISABILITY.—The
5 holder of a private education loan shall, when noti-
6 fied of the discharge of liability of a student obligor
7 on a loan described under section 108(f)(5)(A) of
8 the Internal Revenue Code of 1986, discharge any li-
9 ability of the student obligor (and any cosigner) on
10 any private education loan which the private edu-
11 cation loan holder holds and may not, after such no-
12 tification—

13 “(A) attempt to collect on the outstanding
14 liability of the student obligor; and

15 “(B) in the case of total and permanent
16 disability, monitor the disability status of the
17 student obligor at any point after the date of
18 discharge.”.

19 (b) RULEMAKING.—The Director of the Bureau of
20 Consumer Financial Protection may issue rules to imple-
21 ment the amendments made by subsection (a) as the Di-
22 rector determines appropriate.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect 1 year after the date of the
25 enactment of this Act.

1 **SEC. 5107. SERVICEMEMBER PROTECTIONS FOR MEDICAL**
2 **DEBT COLLECTIONS.**

3 (a) AMENDMENTS TO THE FAIR DEBT COLLECTION
4 PRACTICES ACT.—

5 (1) DEFINITION.—Section 803 of the Fair Debt
6 Collection Practices Act (15 U.S.C. 1692a) is
7 amended by adding at the end the following:

8 “(9) The term ‘medical debt’ means a debt
9 arising from the receipt of medical services,
10 products, or devices.”.

11 (2) UNFAIR PRACTICES.—Section 808 of the
12 Fair Debt Collection Practices Act (15 U.S.C.
13 1692f) is amended by adding at the end the fol-
14 lowing:

15 “(9) Engaging in activities to collect or at-
16 tempting to collect a medical debt owed or due
17 or asserted to be owed or due by a consumer
18 who was a member of the Armed Forces at the
19 time such debt was incurred, before the end of
20 the 2-year period beginning on the date that
21 the first payment with respect to such medical
22 debt is due.”.

23 (b) PROHIBITION ON CONSUMER REPORTING AGEN-
24 CIES REPORTING CERTAIN MEDICAL DEBT WITH RE-
25 SPECT TO MEMBERS OF THE ARMED FORCES.—

1 (1) DEFINITION.—Section 603 of the Fair
2 Credit Reporting Act (15 U.S.C. 1681a) is amended
3 by adding at the end the following:

4 “(bb) MEDICAL DEBT.—The term ‘medical debt’
5 means a debt arising from the receipt of medical services,
6 products, or devices.

7 “(cc) MEDICALLY NECESSARY PROCEDURE.—The
8 term ‘medically necessary procedure’ means—

9 “(1) health care services or supplies needed to
10 diagnose or treat an illness, injury, condition, dis-
11 ease, or its symptoms and that meet accepted stand-
12 ards of medicine; and

13 “(2) health care to prevent illness or detect ill-
14 ness at an early stage, when treatment is likely to
15 work best (including preventive services such as pap
16 tests, flu shots, and screening mammograms).”.

17 (2) IN GENERAL.—Section 605(a) of the Fair
18 Credit Reporting Act (15 U.S.C. 1681c(a)) is
19 amended—

20 (A) in paragraph (7), by adding at the end
21 the following: “This paragraph shall not be sub-
22 ject to section 625(b)(1)(E).”;

23 (B) in paragraph (8), by adding at the end
24 the following: “This paragraph shall not be sub-
25 ject to section 625(b)(1)(E).”; and

1 (C) by adding at the end the following new
2 paragraphs:

3 “(9) Any information related to a debt arising
4 from a medically necessary procedure that occurred
5 when the consumer was a member of the Armed
6 Forces. This paragraph shall not be subject to sec-
7 tion 625(b)(1)(E).

8 “(10) Any information related to a medical debt
9 of a consumer that was incurred when the consumer
10 was a member of the Armed Forces, if the date on
11 which such debt was placed for collection, charged to
12 profit or loss, or subjected to any similar action
13 antedates the report by less than 365 calendar days.
14 This paragraph shall not be subject to section
15 625(b)(1)(E).”.

16 (c) REQUIREMENTS FOR FURNISHERS OF MEDICAL
17 DEBT INFORMATION WITH RESPECT TO MEMBERS OF
18 THE ARMED FORCES.—

19 (1) ADDITIONAL NOTICE REQUIREMENTS FOR
20 MEDICAL DEBT OF MEMBERS OF THE ARMED
21 FORCES.—Section 623 of the Fair Credit Reporting
22 Act (15 U.S.C. 1681s–2) is amended by adding at
23 the end the following:

24 “(f) ADDITIONAL NOTICE REQUIREMENTS FOR MED-
25 ICAL DEBT OF MEMBERS OF THE ARMED FORCES.—Be-

1 fore furnishing information regarding a medical debt of
2 a consumer that was incurred when the consumer was a
3 member of the Armed Forces to a consumer reporting
4 agency, the person furnishing the information shall send
5 a statement to the consumer that includes the following:

6 “(1) A notification that the medical debt—

7 “(A) may not be included on a consumer
8 report made by a consumer reporting agency
9 until the later of the date that is 365 days
10 after—

11 “(i) the date on which the person
12 sends the statement;

13 “(ii) with respect to the medical debt
14 of a borrower demonstrating hardship, a
15 date determined by the Director of the Bu-
16 reau; or

17 “(iii) the date described under section
18 605(a)(10); and

19 “(B) may not ever be included on a con-
20 sumer report made by a consumer reporting
21 agency, if the medical debt arises from a medi-
22 cally necessary procedure.

23 “(2) A notification that, if the debt is settled or
24 paid by the consumer or an insurance company be-
25 fore the end of the period described under paragraph

1 (1)(A), the debt may not be reported to a consumer
2 reporting agency.

3 “(3) A notification that the consumer may—

4 “(A) communicate with an insurance com-
5 pany to determine coverage for the debt; or

6 “(B) apply for financial assistance.”.

7 (2) FURNISHING OF MEDICAL DEBT INFORMA-
8 TION WITH RESPECT TO MEMBERS OF THE ARMED
9 FORCES.—Section 623 of the Fair Credit Reporting
10 Act (15 U.S.C. 1681s–2), as amended by paragraph
11 (1), is further amended by adding at the end the fol-
12 lowing:

13 “(g) FURNISHING OF MEDICAL DEBT INFORMATION
14 WITH RESPECT TO MEMBERS OF THE ARMED FORCES.—

15 “(1) PROHIBITION ON REPORTING DEBT RE-
16 LATED TO MEDICALLY NECESSARY PROCEDURES.—

17 No person shall furnish any information to a con-
18 sumer reporting agency regarding a debt arising
19 from a medically necessary procedure that occurred
20 when the consumer was a member of the Armed
21 Forces.

22 “(2) TREATMENT OF OTHER MEDICAL DEBT IN-
23 FORMATION.—With respect to a medical debt of a
24 consumer that was incurred when the consumer was
25 a member of the Armed Forces and that is not de-

1 scribed under paragraph (1), no person shall furnish
2 any information to a consumer reporting agency re-
3 garding such debt before the end of the 365-day pe-
4 riod beginning on the later of—

5 “(A) the date on which the person sends
6 the statement described under subsection (f) to
7 the consumer;

8 “(B) with respect to the medical debt of a
9 borrower demonstrating hardship, a date deter-
10 mined by the Director of the Bureau; or

11 “(C) the date described in section
12 605(a)(10).

13 “(3) TREATMENT OF SETTLED OR PAID MED-
14 ICAL DEBT.—With respect to a medical debt of a
15 consumer that was incurred when the consumer was
16 a member of the Armed Forces and that is not de-
17 scribed under paragraph (1), no person shall furnish
18 any information to a consumer reporting agency re-
19 garding such debt if the debt is settled or paid by
20 the consumer or an insurance company before the
21 end of the 365-day period described under para-
22 graph (2).

23 “(4) BORROWER DEMONSTRATING HARDSHIP
24 DEFINED.—In this subsection, and with respect to a
25 medical debt, the term ‘borrower demonstrating

1 hardship’ means a borrower or a class of borrowers
2 who, as determined by the Director of the Bureau,
3 is facing or has experienced unusual extenuating life
4 circumstances or events that result in severe finan-
5 cial or personal barriers such that the borrower or
6 class of borrowers does not have the capacity to
7 repay the medical debt.”.

8 (d) EFFECTIVE DATE.—Except as otherwise pro-
9 vided under subsection (e), this section and the amend-
10 ments made by this section shall take effect on the date
11 that is 180 days after the date of enactment of this Act.

12 (e) DISCRETIONARY SURPLUS FUNDS.—

13 (1) IN GENERAL.—The dollar amount specified
14 under section 7(a)(3)(A) of the Federal Reserve Act
15 (12 U.S.C. 289(a)(3)(A)) is reduced by \$1,000,000.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall take effect on September 30,
18 2031.

19 **SEC. 5108. PROTECTIONS FOR ACTIVE DUTY UNIFORMED**
20 **CONSUMER.**

21 (a) DEFINITIONS.—Section 603 of the Fair Credit
22 Reporting Act (15 U.S.C. 1681a) is amended—

23 (1) in subsection (q), by amending paragraph
24 (1) to read as follows:

1 “(1) UNIFORMED CONSUMER.—The term ‘uni-
2 formed consumer’ means a consumer who is—

3 “(A) a member of the—

4 “(i) uniformed services (as such term
5 is defined in section 101(a)(5) of title 10,
6 United States Code); or

7 “(ii) National Guard (as such term is
8 defined in section 101(c)(1) of title 10,
9 United States Code); and

10 “(B) in active service (as such term is de-
11 fined in section 101(d)(3) of title 10, United
12 States Code), including full-time duty in the
13 commissioned corps of the Public Health Serv-
14 ice or the National Oceanic and Atmospheric
15 Administration.”; and

16 (2) by adding at the end the following:

17 “(bb) DEPLOYED UNIFORMED CONSUMER.—The
18 term ‘deployed uniformed consumer’ means an uniformed
19 consumer who—

20 “(1) serves—

21 “(A) in a combat zone (as such term is de-
22 fined in section 112(c)(2) of title 26, United
23 States Code);

24 “(B) aboard a United States combatant,
25 support, or auxiliary vessel (as such terms are

1 defined in section 231(f) of title 10, United
2 States Code); or

3 “(C) in a deployment (as such term is de-
4 fined in section 991(b) of title 10, United
5 States Code); and

6 “(2) is on active duty (as such term is defined
7 in section 101(d)(2) of title 10, United States Code)
8 for not less than 30 days during the type of service
9 described in paragraph (1).”.

10 (b) PROHIBITION ON INCLUDING CERTAIN ADVERSE
11 INFORMATION IN CONSUMER REPORTS.—Section 605 of
12 the Fair Credit Reporting Act (15 U.S.C. 1681c) is
13 amended—

14 (1) in subsection (a), by adding at the end the
15 following:

16 “(9) Any item of adverse information about a
17 uniformed consumer, if the action or inaction that
18 gave rise to the item occurred while the consumer
19 was a deployed uniformed consumer.”; and

20 (2) by adding at the end the following:

21 “(i) NOTICE OF STATUS AS A UNIFORMED CON-
22 SUMER.—With respect to an item of adverse information
23 about a consumer, if the action or inaction that gave rise
24 to the item occurred while the consumer was a uniformed
25 consumer, the consumer may provide appropriate proof,

1 including official orders, to a consumer reporting agency
2 that the consumer was a deployed uniformed consumer at
3 the time such action or inaction occurred. The consumer
4 reporting agency shall promptly delete that item of ad-
5 verse information from the file of the uniformed consumer
6 and notify the consumer and the furnisher of the informa-
7 tion of the deletion.”.

8 (c) COMMUNICATIONS BETWEEN THE CONSUMER
9 AND CONSUMER REPORTING AGENCIES.—Section 605A
10 of the Fair Credit Reporting Act (15 U.S.C. 1681e–1) is
11 amended—

12 (1) in subsection (c)—

13 (A) by striking “Upon” and inserting the
14 following:

15 “(1) IN GENERAL.—Upon”;

16 (B) by redesignating paragraphs (1), (2),
17 and (3) as subparagraphs (A), (B), and (C),
18 and moving such redesignated subparagraphs 2
19 ems to the right; and

20 (C) by adding at the end the following:

21 “(2) NEGATIVE INFORMATION ALERT.—Any
22 time a consumer reporting agency receives an item
23 of adverse information about a consumer, if the con-
24 sumer has provided appropriate proof that the con-

1 consumer is a uniformed consumer, the consumer re-
2 porting agency shall promptly notify the consumer—

3 “(A) that the agency has received such
4 item of adverse information, along with a de-
5 scription of the item; and

6 “(B) the method by which the consumer
7 can dispute the validity of the item.

8 “(3) CONTACT INFORMATION FOR UNIFORMED
9 CONSUMERS.—With respect to any consumer that
10 has provided appropriate proof to a consumer re-
11 porting agency that the consumer is a uniformed
12 consumer, if the consumer provides the consumer re-
13 porting agency with separate contact information to
14 be used when communicating with the consumer
15 while the consumer is a uniformed consumer, the
16 consumer reporting agency shall use such contact in-
17 formation for all communications while the con-
18 sumer is a uniformed consumer.”; and

19 (2) in subsection (e), by amending paragraph
20 (3) to read as follows:

21 “(3) subparagraphs (A) and (B) of subsection
22 (c)(1), in the case of a referral under subsection
23 (c)(1)(C).”.

24 (d) CONFORMING AMENDMENT.—The Fair Credit
25 Reporting Act (15 U.S.C. 1681 et seq.) is amended by

1 striking “active duty military” each place such term ap-
2 pears and inserting “uniformed consumer”.

3 (e) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that any person making use of a consumer report
5 containing an item of adverse information should, if the
6 action or inaction that gave rise to the item occurred while
7 the consumer was a uniformed consumer, take such fact
8 into account when evaluating the creditworthiness of the
9 consumer.

10 **SEC. 5109. UNITED STATES CONTRIBUTION TO THE CATAS-**
11 **TROPHE CONTAINMENT AND RELIEF TRUST**
12 **AT THE INTERNATIONAL MONETARY FUND.**

13 (a) CONTRIBUTION AUTHORITY.—The Secretary of
14 the Treasury may contribute \$200,000,000 on behalf of
15 the United States to the Catastrophe Containment and
16 Relief Trust of the International Monetary Fund.

17 (b) LIMITATIONS ON AUTHORIZATION OF APPRO-
18 PRIATIONS.—For the contribution authorized by sub-
19 section (a), there are authorized to be appropriated, with-
20 out fiscal year limitation, \$200,000,000 for payment by
21 the Secretary of the Treasury.

22 **SEC. 5110. CHINA FINANCIAL THREAT MITIGATION.**

23 (a) REPORT.—The Secretary of the Treasury shall
24 conduct a study and issue a report that includes a descrip-
25 tion and analysis of any risks to the financial stability of

1 the United States and the global economy emanating from
2 the People’s Republic of China, along with any rec-
3 ommendations to the United States representatives at the
4 International Monetary Fund and the Financial Stability
5 Board to strengthen international cooperation to monitor
6 and mitigate such financial stability risks through the
7 work of the International Monetary Fund and the Finan-
8 cial Stability Board.

9 (b) TRANSMISSION OF REPORT.—The Secretary of
10 the Treasury shall transmit the report required under sub-
11 section (a) no later than December 31, 2022, to the Com-
12 mittee on Financial Services of the House of Representa-
13 tives, the Committee on Banking, Housing, and Urban Af-
14 fairs of the Senate, the United States Executive Director
15 at the International Monetary Fund, and any person rep-
16 resenting the United States at the Financial Stability
17 Board.

18 (c) PUBLICATION OF REPORT.—The Secretary of the
19 Treasury shall publish the report required under sub-
20 section (a) on the website of the Department of the Treas-
21 ury no later than December 31, 2022.

1 **SEC. 5111. BANKING TRANSPARENCY FOR SANCTIONED**
2 **PERSONS.**

3 (a) REPORT ON FINANCIAL SERVICES BENEFITTING
4 STATE SPONSORS OF TERRORISM, HUMAN RIGHTS ABUS-
5 ERS, AND CORRUPT OFFICIALS.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, and
8 every 180 days thereafter, the Secretary of the
9 Treasury shall issue a report to the Committees on
10 Financial Services and Foreign Affairs of the House
11 of Representatives and the Committees on Banking,
12 Housing, and Urban Affairs and Foreign Relations
13 of the Senate that includes—

14 (A) a copy of any license issued by the
15 Secretary in the preceding 180 days that au-
16 thORIZES a financial institution to provide finan-
17 cial services benefitting a state sponsor of ter-
18 rorism; and

19 (B) a list of any foreign financial institu-
20 tions that, in the preceding 180 days, know-
21 ingly conducted a significant transaction or
22 transactions, directly or indirectly, for a sanc-
23 tioned person included on the Department of
24 the Treasury's Specially Designated Nationals
25 And Blocked Persons List who—

1 (i) is owned or controlled by, or acts
2 on behalf of, the government of a state
3 sponsor of terrorism; or

4 (ii) is designated pursuant to any of
5 the following:

6 (I) Section 404 of the Russia and
7 Moldova Jackson-Vanik Repeal and
8 Sergei Magnitsky Rule of Law Ac-
9 countability Act of 2012 (Public Law
10 112208).

11 (II) Subtitle F of title XII of the
12 National Defense Authorization Act
13 for Fiscal Year 2017 (Public Law
14 114–328, the Global Magnitsky
15 Human Rights Accountability Act).

16 (III) Executive Order No. 13818.

17 (2) FORM OF REPORT.—The report required
18 under paragraph (1) shall be submitted in unclassi-
19 fied form but may contain a classified annex.

20 (b) WAIVER.—The Secretary of the Treasury may
21 waive the requirements of subsection (a) with respect to
22 a foreign financial institution described in paragraph
23 (1)(B) of such subsection—

24 (1) upon receiving credible assurances that the
25 foreign financial institution has ceased, or will immi-

1 nently cease, to knowingly conduct any significant
2 transaction or transactions, directly or indirectly, for
3 a person described in clause (i) or (ii) of such sub-
4 paragraph (B); or

5 (2) upon certifying to the Committees on Fi-
6 nancial Services and Foreign Affairs of the House of
7 Representatives and the Committees on Banking,
8 Housing, and Urban Affairs and Foreign Relations
9 of the Senate that the waiver is important to the na-
10 tional interest of the United States, with an expla-
11 nation of the reasons therefor.

12 (c) DEFINITIONS.—For purposes of this section:

13 (1) FINANCIAL INSTITUTION.—The term “fi-
14 nancial institution” means a United States financial
15 institution or a foreign financial institution.

16 (2) FOREIGN FINANCIAL INSTITUTION.—The
17 term “foreign financial institution” has the meaning
18 given that term under section 561.308 of title 31,
19 Code of Federal Regulations.

20 (3) KNOWINGLY.—The term “knowingly” with
21 respect to conduct, a circumstance, or a result,
22 means that a person has actual knowledge, or should
23 have known, of the conduct, the circumstance, or the
24 result.

1 (4) UNITED STATES FINANCIAL INSTITUTION.—

2 The term “United States financial institution” has
3 the meaning given the term “U.S. financial institu-
4 tion” under section 561.309 of title 31, Code of
5 Federal Regulations.

6 (d) SUNSET.—The reporting requirement under this
7 section shall terminate on the date that is the end of the
8 7-year period beginning on the date of the enactment of
9 this Act.

10 **SEC. 5112. DETERMINATION WITH RESPECT TO PRIMARY**

11 **MONEY LAUNDERING CONCERN OF AFGHAN**

12 **ILLICIT FINANCE.**

13 (a) DETERMINATION.—If the Secretary of the Treas-
14 ury determines that reasonable grounds exist for con-
15 cluding that one or more financial institutions operating
16 outside of the United States, or 1 or more classes of trans-
17 actions within, or involving, a jurisdiction outside of the
18 United States, or 1 or more types of accounts within, or
19 involving, a jurisdiction outside of the United States is of
20 primary money laundering concern in connection with Af-
21 ghan illicit finance, the Secretary of the Treasury may,
22 by order, regulation, or otherwise as permitted by law—

23 (1) require domestic financial institutions and
24 domestic financial agencies to take 1 or more of the

1 special measures described in section 5318A(b) of
2 title 31, United States Code; or

3 (2) prohibit, or impose conditions upon, certain
4 transmittals of funds (to be defined by the Sec-
5 retary) involving any domestic financial institution
6 or domestic financial agency, if such transmittal of
7 funds involves any such institution, class of trans-
8 action, or type of account.

9 (b) REPORT REQUIRED.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, the Secretary of
12 the Treasury shall submit to the Committees on Fi-
13 nancial Services and Foreign Affairs of the House of
14 Representatives and the Committees on Banking,
15 Housing, and Urban Affairs and Foreign Relations
16 of the Senate a report that shall identify any addi-
17 tional regulations, statutory changes, enhanced due
18 diligence, and reporting requirements that are nec-
19 essary to better identify, prevent, and combat money
20 laundering linked to Afghanistan, including related
21 to—

22 (A) identifying the beneficial ownership of
23 anonymous companies;

24 (B) strengthening current, or enacting
25 new, reporting requirements and customer due

1 diligence requirements for sectors and entities
2 that support illicit financial activity related to
3 Afghanistan; and

4 (C) enhanced know-your-customer proce-
5 dures and screening for transactions involving
6 Afghan political leaders, Afghan state-owned or
7 -controlled enterprises, and known Afghan
8 transnational organized crime figures.

9 (2) FORMAT.—The report required under this
10 subsection shall be made available to the public, in-
11 cluding on the website of the Department of the
12 Treasury, but may contain a classified annex and be
13 accompanied by a classified briefing.

14 (c) SENSE OF CONGRESS ON INTERNATIONAL CO-
15 OPERATION.—It is the sense of the Congress that the Sec-
16 retary of the Treasury and other relevant cabinet members
17 (such as the Secretary of State, Secretary of Homeland
18 Security, and Attorney General) should work jointly with
19 European, E.U., and U.K. financial intelligence units,
20 trade transparency units, and appropriate law enforce-
21 ment authorities to present, both in the report required
22 under subsection (b) and in future analysis of suspicious
23 transaction reports, cash transaction reports, currency
24 and monetary instrument reports, and other relevant data
25 to identify trends and assess risks in the movement of il-

1 licit funds from Afghanistan through the United States,
2 British, and European financial systems.

3 (d) CLASSIFIED INFORMATION.—In any judicial re-
4 view of a finding of the existence of a primary money laun-
5 dering concern, or of the requirement for 1 or more special
6 measures with respect to a primary money laundering con-
7 cern made under this section, if the designation or imposi-
8 tion, or both, were based on classified information (as de-
9 fined in section 1(a) of the Classified Information Proce-
10 dures Act (18 U.S.C. App.), such information may be sub-
11 mitted by the Secretary to the reviewing court ex parte
12 and in camera. This subsection does not confer or imply
13 any right to judicial review of any finding made or any
14 requirement imposed under this section.

15 (e) AVAILABILITY OF INFORMATION.—The exemp-
16 tions from, and prohibitions on, search and disclosure pro-
17 vided in section 5319 of title 31, United States Code, shall
18 apply to any report or record of report filed pursuant to
19 a requirement imposed under subsection (a) of this sec-
20 tion. For purposes of section 552 of title 5, United States
21 Code, this subsection shall be considered a statute de-
22 scribed in subsection (b)(3)(B) of that section.

23 (f) PENALTIES.—The penalties provided for in sec-
24 tions 5321 and 5322 of title 31, United States Code, that
25 apply to violations of special measures imposed under sec-

1 tion 5318A of title 31, United States Code, shall apply to
2 violations of any order, regulation, special measure, or
3 other requirement imposed under subsection (a) of this
4 section, in the same manner and to the same extent as
5 described in sections 5321 and 5322.

6 (g) INJUNCTIONS.—The Secretary of the Treasury
7 may bring a civil action to enjoin a violation of any order,
8 regulation, special measure, or other requirement imposed
9 under subsection (a) of this section in the same manner
10 and to the same extent as described in section 5320 of
11 title 31, United States Code.

12 **SEC. 5113. STUDY AND REPORT ON HOUSING AND SERVICE**
13 **NEEDS OF SURVIVORS OF TRAFFICKING AND**
14 **INDIVIDUALS AT RISK FOR TRAFFICKING.**

15 (a) DEFINITIONS.—In this section:

16 (1) SURVIVOR OF A SEVERE FORM OF TRAF-
17 FICKING.—The term “survivor of a severe form of
18 trafficking” has the meaning given the term “victim
19 of a severe form of trafficking” in section 103 of the
20 Trafficking Victims Protection Act of 2000 (22
21 U.S.C. 7102).

22 (2) SURVIVOR OF TRAFFICKING.—The term
23 “survivor of trafficking” has the meaning given the
24 term “victim of trafficking” in section 103 of the

1 Trafficking Victims Protection Act of 2000 (22
2 U.S.C. 7102).

3 (b) STUDY.—

4 (1) IN GENERAL.—The United States Inter-
5 agency Council on Homelessness shall conduct a
6 study assessing the availability and accessibility of
7 housing and services for individuals experiencing
8 homelessness or housing instability who are—

9 (A) survivors of trafficking, including sur-
10 vivors of severe forms of trafficking; or

11 (B) at risk of being trafficked.

12 (2) COORDINATION AND CONSULTATION.—In
13 conducting the study required under paragraph (1),
14 the United States Interagency Council on Homeless-
15 ness shall—

16 (A) coordinate with—

17 (i) the Interagency Task Force to
18 Monitor and Combat Trafficking estab-
19 lished under section 105 of the Trafficking
20 Victims Protection Act of 2000 (22 U.S.C.
21 7103);

22 (ii) the United States Advisory Coun-
23 cil on Human Trafficking;

24 (iii) the Secretary of Housing and
25 Urban Development;

1 (iv) the Secretary of Health and
2 Human Services; and

3 (v) the Attorney General; and

4 (B) consult with—

5 (i) the National Advisory Committee
6 on the Sex Trafficking of Children and
7 Youth in the United States;

8 (ii) survivors of trafficking;

9 (iii) direct service providers, includ-
10 ing—

11 (I) organizations serving runaway
12 and homeless youth;

13 (II) organizations serving sur-
14 vivors of trafficking through commu-
15 nity-based programs; and

16 (III) organizations providing
17 housing services to survivors of traf-
18 ficking; and

19 (iv) housing and homelessness assist-
20 ance providers, including recipients of
21 grants under—

22 (I) the continuum of care pro-
23 gram authorized under subtitle C of
24 title IV of the McKinney-Vento Home-

1 less Assistance Act (42 U.S.C. 11381
2 et seq.); and

3 (II) the Emergency Solutions
4 Grants Program authorized under
5 subtitle B of title IV of the McKin-
6 ney-Vento Homeless Assistance Act
7 (42 U.S.C. 11371 et seq.).

8 (3) CONTENTS.—The study conducted under
9 paragraph (1) shall include—

10 (A) with respect to the individuals de-
11 scribed in that paragraph—

12 (i) an evaluation of formal assess-
13 ments and outreach methods used to iden-
14 tify and assess the housing and service
15 needs of those individuals, including out-
16 reach methods to—

17 (I) ensure effective communica-
18 tion with individuals with disabilities;
19 and

20 (II) reach individuals with lim-
21 ited English proficiency;

22 (ii) a review of the availability and ac-
23 cessibility of homelessness or housing serv-
24 ices for those individuals, including the
25 family members of those individuals who

1 are minors involved in foster care systems,
2 that identifies the disability-related needs
3 of those individuals, including the need for
4 housing with accessibility features;

5 (iii) the effect of any policies and pro-
6 cedures of mainstream homelessness or
7 housing services that facilitate or limit the
8 availability of those services and accessi-
9 bility for those individuals, including those
10 individuals who are involved in the legal
11 system, as those services are in effect as of
12 the date on which the study is conducted;

13 (iv) an identification of best practices
14 in meeting the housing and service needs
15 of those individuals; and

16 (v) an assessment of barriers to fair
17 housing and housing discrimination against
18 survivors of trafficking who are members
19 of a protected class under the Fair Hous-
20 ing Act (42 U.S.C. 3601 et seq.);

21 (B) an assessment of the ability of main-
22 stream homelessness or housing services to
23 meet the specialized needs of survivors of traf-
24 ficking, including trauma responsive approaches

1 specific to labor and sex trafficking survivors;
2 and

3 (C) an evaluation of the effectiveness of,
4 and infrastructure considerations for, housing
5 and service-delivery models that are specific to
6 survivors of trafficking, including survivors of
7 severe forms of trafficking, including emergency
8 rental assistance models.

9 (c) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the United States Interagency
11 Council on Homelessness shall—

12 (1) submit to the Committee on Banking,
13 Housing, and Urban Affairs of the Senate and the
14 Committee on Financial Services of the House of
15 Representatives a report containing the information
16 described in subparagraphs (A) through (C) of sub-
17 section (b)(3); and

18 (2) make the report submitted under paragraph
19 (1) publicly available.

20 **SEC. 5114. AML EXAMINATION AUTHORITY DELEGATION**
21 **STUDY.**

22 (a) STUDY.—The Secretary of the Treasury shall
23 carry out a study, in consultation with State bank super-
24 visors (as defined under section 3 of the Federal Deposit
25 Insurance Act (12 U.S.C. 1813)), and other relevant

1 stakeholders, on the Secretary's delegation of examination
2 authority under the Bank Secrecy Act, including—

3 (1) an evaluation of the efficacy of the delega-
4 tion, especially with respect to the mission of the
5 Bank Secrecy Act;

6 (2) whether the delegated agencies have appro-
7 priate resources to perform their delegated respon-
8 sibilities; and

9 (3) whether the examiners in delegated agencies
10 have sufficient training and support to perform their
11 responsibilities.

12 (b) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Secretary of the Treasury
14 shall submit to the Committee on Financial Services of
15 the House of Representatives and the Committee on
16 Banking, Housing, and Urban Affairs of the Senate a re-
17 port containing—

18 (1) all findings and determinations made in car-
19 rying out the study required under subsection (a);
20 and

21 (2) recommendations to improve the efficacy of
22 delegation authority, including the potential for de-
23 legation of any or all such authority where it may
24 be appropriate.

1 (c) BANK SECRECY ACT DEFINED.—The term
2 “Bank Secrecy Act” has the meaning given that term
3 under section 5312 of title 31, United States Code.

4 **SEC. 5115. COORDINATOR FOR HUMAN TRAFFICKING**
5 **ISSUES.**

6 (a) IN GENERAL.—The Secretary of the Treasury
7 shall, not later than 180 days after the date of the enact-
8 ment of this Act, and as required under section 312(a)(8)
9 of title 31, United States Code, designate an office within
10 the Office of Terrorism and Financial Intelligence that
11 shall coordinate efforts to combat the illicit financing of
12 human trafficking.

13 (b) COORDINATOR FOR HUMAN TRAFFICKING
14 ISSUES.—

15 (1) IN GENERAL.—Subchapter I of chapter 3 of
16 subtitle I of title 31, United States Code, is amend-
17 ed by adding at the end the following:

18 **“§ 316. Coordinator for human trafficking issues.**

19 “(a) IN GENERAL.—Not later than 180 days after
20 the date of the enactment of this section, the Secretary
21 of the Treasury shall designate a Coordinator for Human
22 Trafficking Issues within the Department of the Treasury
23 who shall report to the Secretary.

24 “(b) DUTIES.—The Coordinator for Human Traf-
25 ficking Issues—

1 “(1) shall—

2 “(A) coordinate activities, policies, and
3 programs of the Department that relate to
4 human trafficking, including activities, policies,
5 and programs intended to—

6 “(i) prevent, detect, and respond to
7 human trafficking;

8 “(ii) help understand the challenges
9 faced by victims and survivors of human
10 trafficking, including any circumstances
11 that may increase the risk of a person be-
12 coming a victim or survivor of human traf-
13 ficking; and

14 “(iii) support victims and survivors of
15 human trafficking;

16 “(B) promote, advance, and support the
17 consideration of human trafficking issues in the
18 programs, structures, processes, and capacities
19 of bureaus and offices of the Department,
20 where appropriate;

21 “(C) regularly consult human trafficking
22 stakeholders;

23 “(D) serve as the principal advisor to the
24 Secretary with respect to activities and issues
25 relating to human trafficking, including issues

1 relating to victims and survivors of human traf-
2 ficking;

3 “(E) advise the Secretary of actions that
4 may be taken to improve information sharing
5 between human trafficking stakeholders and
6 Federal, State, Local, Territory, and Tribal
7 government agencies, including law enforcement
8 agencies, while protecting privacy and, as a re-
9 sult, improve societal responses to issues relat-
10 ing to human trafficking, including issues relat-
11 ing to the victims and survivors of human traf-
12 ficking;

13 “(F) participate in coordination between
14 Federal, State, Local, Territory, and Tribal
15 government agencies on issues relating to
16 human trafficking; and

17 “(G) consult and work with the office with-
18 in the office within the Office of Terrorism and
19 Financial Intelligence designated by the Sec-
20 retary under section 312(a)(8) of title 31,
21 United States Code, to coordinate efforts to
22 combat the illicit financing of human trafficking
23 with respect to the efforts of such office to com-
24 bat the illicit financing of human trafficking;
25 and

1 “(2) may design, support, and implement De-
2 partment activities relating to human trafficking, in-
3 cluding activities designed to prevent, detect, and re-
4 spond to human trafficking, to include money laun-
5 dering associated with human trafficking, to include
6 money laundering associated with human trafficking.

7 “(c) TERM.—Each Coordinator for Human Traf-
8 ficking Issues designated by the Secretary shall serve a
9 term of not more than 5 years.

10 “(d) HUMAN TRAFFICKING DEFINED.—In this sec-
11 tion, the term ‘human trafficking’ means severe forms of
12 trafficking in persons as such term is defined in section
13 103 of the Trafficking Victims Protection Act of 2000.

14 “(e) HUMAN TRAFFICKING STAKEHOLDER.—The
15 term ‘human trafficking stakeholder’ means—

16 “(1) a non-governmental organization;

17 “(2) a human rights organization;

18 “(3) an anti-human trafficking organization;

19 “(4) a group representing a population vulner-
20 able to human trafficking or victims or survivors of
21 human trafficking, and related issues;

22 “(5) an industry group;

23 “(6) a financial institution;

24 “(7) a technology firm; and

1 “(8) another individual or group that is work-
2 ing to prevent, detect, and respond to human traf-
3 ficking and to support victims and survivors of
4 human trafficking.”.

5 (c) COORDINATION WITH COORDINATOR FOR HUMAN
6 TRAFFICKING ISSUES.—Section 312(a) of title 31, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(9) COORDINATION WITH COORDINATOR FOR
10 HUMAN TRAFFICKING ISSUES.—The office within the
11 OTFI designated by the Secretary pursuant to para-
12 graph (8) shall coordinate with the Coordinator for
13 Human Trafficking Issues designated by the Sec-
14 retary pursuant to section 316 of title 31, United
15 States Code.”.

16 (d) CONFORMING AMENDMENT.—The table of sec-
17 tions in chapter 3 of subtitle I of title 31, United States
18 Code, is amended by adding at the end the following:

 “316. Coordinator for Human Trafficking Issues.”.

19 **SEC. 5116. STUDY ON THE FINANCING OF DOMESTIC VIO-**
20 **LENT EXTREMISTS AND TERRORISTS.**

21 (a) GAO STUDY ON THE FINANCING OF DOMESTIC
22 VIOLENT EXTREMISTS AND TERRORISTS.—

23 (1) STUDY.—The Comptroller General of the
24 United States shall conduct a study on the financing
25 of domestic violent extremists and terrorists, includ-

1 ing foreign terrorist-inspired domestic extremists,
2 which should consider—

3 (A) what is known about the primary
4 mechanisms that domestic violent extremists
5 and terrorists use to finance their activities, in-
6 cluding the extent to which they rely on online
7 social media, livestreaming sites, crowdfunding
8 platforms, digital assets (including virtual cur-
9 rencies), charities, and foreign sources to fi-
10 nance their activities;

11 (B) what is known about any funding that
12 domestic violent extremists and terrorists pro-
13 vide to foreign entities for the purposes of co-
14 ordination, support, or otherwise furthering
15 their activities;

16 (C) any data that selected U.S. agencies
17 collect related to the financing of domestic vio-
18 lent extremists and terrorists, and how such
19 data is used;

20 (D) the extent to which U.S. agencies co-
21 ordinate and share information among them-
22 selves, with foreign partner agencies, and with
23 the private sector to identify and exploit the
24 sources of funding for domestic violent extrem-
25 ists and terrorists;

1 (E) efforts of financial institutions to iden-
2 tify and report on suspicious financial activity
3 related to the financing of domestic violent ex-
4 tremists and terrorists;

5 (F) any actions U.S. financial regulators
6 have taken to address the risks to financial in-
7 stitutions of the financing of domestic violent
8 extremists and terrorists; and

9 (G) with respect to the considerations de-
10 scribed under subparagraphs (A) through (F),
11 any civil rights and civil liberties protections
12 currently included in law and challenges associ-
13 ated with any potential changes to the legal
14 framework to address them.

15 (2) REPORT TO CONGRESS.—Not later than 18
16 months after the date of enactment of this Act, the
17 Comptroller General of the United States shall re-
18 port to the Committee on Banking, Housing, and
19 Urban Affairs of the Senate and the Committee on
20 Financial Services of the House of Representatives
21 the results of the study required under paragraph
22 (1).

23 **SEC. 5117. MILITARY SERVICE QUESTION.**

24 (a) IN GENERAL.—Subpart A of part 2 of subtitle
25 A of title VIII of the Housing and Community Develop-

1 ment Act of 1992 (12 U.S.C. 4541 et seq.) is amended
2 by adding at the end the following:

3 **“SEC. 1329. UNIFORM RESIDENTIAL LOAN APPLICATION.**

4 “The Director shall, not later than 6 months after
5 the date of the enactment of this section, require each en-
6 terprise to—

7 “(1) include a military service question on the
8 form known as the Uniform Residential Loan Appli-
9 cation; and

10 “(2) position such question above the signature
11 line of the Uniform Residential Loan Application.”.

12 (b) RULEMAKING.—The Director of the Federal
13 Housing Finance Agency shall, not later than 6 months
14 after the date of the enactment of this section, issue a
15 rule to carry out the amendment made by this section.

16 **SEC. 5118. INCLUSION OF VETERANS IN HOUSING PLAN-**
17 **NING.**

18 (a) PUBLIC HOUSING AGENCY PLANS.—Section
19 5A(d)(1) of the United States Housing Act of 1937 (42
20 U.S.C. 1437e–1(d)(1)) is amended by striking “and dis-
21 abled families” and inserting “, disabled families, and vet-
22 erans (as such term is defined in section 101 of title 38,
23 United States Code)”.

24 (b) COMPREHENSIVE HOUSING AFFORDABILITY
25 STRATEGIES.—

1 (1) IN GENERAL.—Section 105 of the Cran-
2 ston-Gonzalez National Affordable Housing Act (42
3 U.S.C. 12705) is amended—

4 (A) in subsection (b)(1), by inserting “vet-
5 erans (as such term is defined in section 101 of
6 title 38, United States Code),” after “acquired
7 immunodeficiency syndrome,”;

8 (B) in subsection (b)(20), by striking “and
9 service” and inserting “veterans service, and
10 other service”; and

11 (C) in subsection (e)(1), by inserting “vet-
12 erans (as such term is defined in section 101 of
13 title 38, United States Code),” after “homeless
14 persons,”.

15 (2) CONSOLIDATED PLANS.—The Secretary of
16 Housing and Urban Development shall revise the
17 regulations relating to submission of consolidated
18 plans (part 91 of title 24, Code of Federal Regula-
19 tions) in accordance with the amendments made by
20 paragraph (1) of this subsection to require inclusion
21 of appropriate information relating to veterans and
22 veterans service agencies in all such plans.

1 **SEC. 5119. ANNUAL REPORT ON HOUSING ASSISTANCE TO**
2 **VETERANS.**

3 (a) IN GENERAL.—Not later than December 31 of
4 each year, the Secretary of Housing and Urban Develop-
5 ment shall submit a report on the activities of the Depart-
6 ment of Housing and Urban Development relating to vet-
7 erans during such year to the following:

8 (1) The Committee on Banking, Housing, and
9 Urban Affairs of the Senate.

10 (2) The Committee on Veterans' Affairs of the
11 Senate.

12 (3) The Committee on Appropriations of the
13 Senate.

14 (4) The Committee on Financial Services of the
15 House of Representatives.

16 (5) The Committee on Veterans' Affairs of the
17 House of Representatives.

18 (6) The Committee on Appropriations of the
19 House of Representatives.

20 (7) The Secretary of Veterans Affairs.

21 (b) CONTENTS.—Each report required under sub-
22 section (a) shall include the following information with re-
23 spect to the year for which the report is submitted:

24 (1) The name of each public housing agency
25 that provides assistance under the program of hous-
26 ing choice vouchers for homeless veterans under sec-

1 tion 8(o)(19) of the United States Housing Act of
2 1937 (42 U.S.C. 1437f(o)(19)).

3 (2) The number of homeless veterans provided
4 assistance under the program of housing choice
5 vouchers for homeless veterans under section
6 8(o)(19) of the United States Housing Act of 1937
7 (42 U.S.C. 1437f(o)(19)), the socioeconomic charac-
8 teristics and racial characteristics of such homeless
9 veterans, and the number, types, and locations of en-
10 tities contracted under such section to administer
11 the vouchers.

12 (3) The number of homeless veterans provided
13 assistance under the Tribal HUD–VA Supportive
14 Housing Program (HUD–VASH) authorized by the
15 Consolidated and Further Continuing Appropria-
16 tions Act, 2015 (Pub. L. 113–235; 128 Stat. 2733)
17 the socioeconomic characteristics and racial charac-
18 teristics of such homeless veterans, and the number,
19 types, and locations of entities contracted under
20 such section to administer the vouchers.

21 (4) A summary description of the special con-
22 siderations made for veterans under public housing
23 agency plans submitted pursuant to section 5A of
24 the United States Housing Act of 1937 (42 U.S.C.
25 1437c–1) and under comprehensive housing afford-

1 ability strategies submitted pursuant to section 105
2 of the Cranston-Gonzalez National Affordable Hous-
3 ing Act (42 U.S.C. 12705).

4 (5) A description of the activities of the Special
5 Assistant for Veterans Affairs.

6 (6) A description of the efforts of the Depart-
7 ment of Housing and Urban Development to coordi-
8 nate the delivery of housing and services to veterans
9 with other Federal departments and agencies, in-
10 cluding the Department of Defense, Department of
11 Justice, Department of Labor, Department of
12 Health and Human Services, Department of Vet-
13 erans Affairs, Interagency Council on Homelessness,
14 and the Social Security Administration.

15 (7) The cost to the Department of Housing and
16 Urban Development of administering the programs
17 and activities relating to veterans.

18 (8) Any other information that the Secretary
19 considers relevant in assessing the programs and ac-
20 tivities of the Department of Housing and Urban
21 Development relating to veterans.

22 (c) ASSESSMENT OF HOUSING NEEDS OF VERY LOW-
23 INCOME VETERAN FAMILIES.—

24 (1) IN GENERAL.—For the first report sub-
25 mitted pursuant to subsection (a) and every fifth re-

1 port thereafter, the Secretary of Housing and Urban
2 Development shall—

3 (A) conduct an assessment of the housing
4 needs of very low-income veteran families (as
5 such term is defined in paragraph 5); and

6 (B) shall include in each such report find-
7 ings regarding such assessment.

8 (2) CONTENT.—Each assessment under this
9 subsection shall include—

10 (A) conducting a survey of, and direct
11 interviews with, a representative sample of very
12 low-income veteran families (as such term is de-
13 fined in paragraph 5) to determine past and
14 current—

15 (i) socioeconomic characteristics of
16 such veteran families;

17 (ii) barriers to such veteran families
18 obtaining safe, quality, and affordable
19 housing;

20 (iii) levels of homelessness among
21 such veteran families; and

22 (iv) levels and circumstances of, and
23 barriers to, receipt by such veteran families
24 of rental housing and homeownership as-
25 sistance; and

1 (B) such other information that the Sec-
2 retary determines, in consultation with the Sec-
3 retary of Veterans Affairs and national non-
4 governmental organizations concerned with vet-
5 erans, homelessness, and very low-income hous-
6 ing, may be useful to the assessment.

7 (3) CONDUCT.—If the Secretary contracts with
8 an entity other than the Department of Housing and
9 Urban Development to conduct the assessment
10 under this subsection, such entity shall be a non-
11 governmental organization determined by the Sec-
12 retary to have appropriate expertise in quantitative
13 and qualitative social science research.

14 (4) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to the Sec-
16 retary of Housing and Urban Development, to be
17 available until expended to carry out this subsection,
18 \$1,000,000.

19 (5) VERY LOW-INCOME VETERAN FAMILY.—The
20 term “very low-income veteran family” means a vet-
21 eran family whose income does not exceed 50 per-
22 cent of the median income for the area, as deter-
23 mined by the Secretary with adjustments for smaller
24 and larger families, except that the Secretary may
25 establish an income ceiling higher or lower than 50

1 percent of the median for the area on the basis of
2 the Secretary's findings that such variations are nec-
3 essary because of prevailing levels of construction
4 costs or fair market rents (as determined under sec-
5 tion 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f)).

7 **SEC. 5120. USE OF FINANCIAL SERVICES PROVIDERS IN**
8 **PROVISION OF FINANCIAL LITERACY TRAIN-**
9 **ING FOR MEMBERS OF THE ARMED FORCES**
10 **AT MILITARY INSTALLATIONS OUTSIDE THE**
11 **UNITED STATES.**

12 Section 992 of title 10, United States Code, is
13 amended—

14 (1) by redesignating subsections (d) and (e) as
15 subsections (e) and (f), respectively; and

16 (2) by inserting after subsection (c) the fol-
17 lowing new subsection:

18 “(d) TRAINING FOR MEMBERS STATIONED OVER-
19 SEAS.—

20 “(1) IN GENERAL.—As part of the financial lit-
21 eracy training provided under this section to mem-
22 bers of the armed forces stationed or deployed at an
23 installation outside the United States, the com-
24 mander of such installation may, in the com-
25 mander's discretion, permit representatives of finan-

1 cial services providers serving, or intending to serve,
2 such members to participate in such training, includ-
3 ing in orientation briefings regularly scheduled for
4 members newly arriving at such installation.

5 “(2) NO ENDORSEMENT.—In permitting rep-
6 resentatives to participate in training and orienta-
7 tion briefings pursuant to paragraph (1), a com-
8 mander may not endorse any financial services pro-
9 vider or the services provided by such provider.

10 “(3) FINANCIAL SERVICES PROVIDER DE-
11 FINED.—In this subsection, the term ‘financial serv-
12 ices provider’ means the following:

13 “(A) A financial institution, insurance
14 company, or broker-dealer that is licensed and
15 regulated by the United States or a State.

16 “(B) A money service business that is—

17 “(i) registered with the Financial
18 Crimes Enforcement Network of the De-
19 partment of the Treasury; and

20 “(ii) licensed and regulated by the
21 United States or a State.

22 “(C) The host nation agent of a money
23 service business described in subparagraph
24 (B).”.

1 **SEC. 5121. SAVE ACT OF 2021.**

2 (a) SECURING ESSENTIAL MEDICAL MATERIALS.—

3 (1) STATEMENT OF POLICY.—Section 2(b) of
4 the Defense Production Act of 1950 (50 U.S.C.
5 4502) is amended—

6 (A) by redesignating paragraphs (3)
7 through (8) as paragraphs (4) through (9), re-
8 spectively; and

9 (B) by inserting after paragraph (2) the
10 following:

11 “(3) authorities under this Act should be used
12 when appropriate to ensure the availability of med-
13 ical materials essential to national defense, including
14 through measures designed to secure the drug sup-
15 ply chain, and taking into consideration the impor-
16 tance of United States competitiveness, scientific
17 leadership and cooperation, and innovative capac-
18 ity;”.

19 (2) STRENGTHENING DOMESTIC CAPABILITY.—
20 Section 107 of the Defense Production Act of 1950
21 (50 U.S.C. 4517) is amended—

22 (A) in subsection (a), by inserting “(in-
23 cluding medical materials)” after “materials”;
24 and

25 (B) in subsection (b)(1), by inserting “(in-
26 cluding medical materials such as drugs, de-

1 vices, and biological products to diagnose, cure,
2 mitigate, treat, or prevent disease that are es-
3 sential to national defense)” after “essential
4 materials”.

5 (3) STRATEGY ON SECURING SUPPLY CHAINS
6 FOR MEDICAL MATERIALS.—Title I of the Defense
7 Production Act of 1950 (50 U.S.C. 4511 et seq.) is
8 amended by adding at the end the following:

9 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
10 **MEDICAL MATERIALS.**

11 “(a) IN GENERAL.—Not later than 180 days after
12 the date of the enactment of this section, the President,
13 in consultation with the Secretary of Health and Human
14 Services, the Secretary of Commerce, the Secretary of
15 Homeland Security, and the Secretary of Defense, shall
16 transmit a strategy to the appropriate Members of Con-
17 gress that includes the following:

18 “(1) A detailed plan to use the authorities
19 under this title and title III, or any other provision
20 of law, to ensure the supply of medical materials (in-
21 cluding drugs, devices, and biological products (as
22 that term is defined in section 351 of the Public
23 Health Service Act (42 U.S.C. 262)) to diagnose,
24 cure, mitigate, treat, or prevent disease) essential to

1 national defense, to the extent necessary for the pur-
2 poses of this Act.

3 “(2) An analysis of vulnerabilities to existing
4 supply chains for such medical materials, and rec-
5 ommendations to address the vulnerabilities.

6 “(3) Measures to be undertaken by the Presi-
7 dent to diversify such supply chains, as appropriate
8 and as required for national defense.

9 “(4) A discussion of—

10 “(A) any significant effects resulting from
11 the plan and measures described in this sub-
12 section on the production, cost, or distribution
13 of biological products (as that term is defined
14 in section 351 of the Public Health Service Act
15 (42 U.S.C. 262)) or any other devices or drugs
16 (as defined under the Federal Food, Drug, and
17 Cosmetic Act (21 U.S.C. 301 et seq.));

18 “(B) a timeline to ensure that essential
19 components of the supply chain for medical ma-
20 terials are not under the exclusive control of a
21 foreign government in a manner that the Presi-
22 dent determines could threaten the national de-
23 fense of the United States; and

24 “(C) efforts to mitigate any risks resulting
25 from the plan and measures described in this

1 subsection to United States competitiveness,
2 scientific leadership, and innovative capacity,
3 including efforts to cooperate and proactively
4 engage with United States allies.

5 “(b) PROGRESS REPORT.—Following submission of
6 the strategy under subsection (a), the President shall sub-
7 mit to the appropriate Members of Congress an annual
8 progress report until September 30, 2025, evaluating the
9 implementation of the strategy, and may include updates
10 to the strategy as appropriate. The strategy and progress
11 reports shall be submitted in unclassified form but may
12 contain a classified annex.

13 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
14 term ‘appropriate Members of Congress’ means the
15 Speaker, majority leader, and minority leader of the
16 House of Representatives, the majority leader and minor-
17 ity leader of the Senate, the Chairman and Ranking Mem-
18 ber of the Committee on Financial Services of the House
19 of Representatives, and the Chairman and Ranking Mem-
20 ber of the Committee on Banking, Housing, and Urban
21 Affairs of the Senate.”.

22 (b) INVESTMENT IN SUPPLY CHAIN SECURITY.—

23 (1) IN GENERAL.—Section 303 of the Defense
24 Production Act of 1950 (50 U.S.C. 4533) is amend-
25 ed by adding at the end the following:

1 “(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

2 “(1) IN GENERAL.—In addition to other au-
3 thorities in this title, the President may make avail-
4 able to an eligible entity described in paragraph (2)
5 payments to increase the security of supply chains
6 and supply chain activities, if the President certifies
7 to Congress not less than 30 days before making
8 such a payment that the payment is critical to meet
9 national defense requirements of the United States.

10 “(2) ELIGIBLE ENTITY.—An eligible entity de-
11 scribed in this paragraph is an entity that—

12 “(A) is organized under the laws of the
13 United States or any jurisdiction within the
14 United States; and

15 “(B) produces—

16 “(i) one or more critical components;

17 “(ii) critical technology; or

18 “(iii) one or more products or raw
19 materials for the security of supply chains
20 or supply chain activities.

21 “(3) DEFINITIONS.—In this subsection, the
22 terms ‘supply chain’ and ‘supply chain activities’
23 have the meanings given those terms by the Presi-
24 dent by regulation.”.

25 (2) REGULATIONS.—

1 (A) IN GENERAL.—Not later than 90 days
2 after the date of the enactment of this Act, the
3 President shall prescribe regulations setting
4 forth definitions for the terms “supply chain”
5 and “supply chain activities” for the purposes
6 of section 303(h) of the Defense Production Act
7 of 1950 (50 U.S.C. 4533(h)), as added by sub-
8 section (a).

9 (B) SCOPE OF DEFINITIONS.—The defini-
10 tions required by paragraph (1)—

11 (i) shall encompass—

12 (I) the organization, people, ac-
13 tivities, information, and resources in-
14 volved in the delivery and operation of
15 a product or service used by the Gov-
16 ernment; or

17 (II) critical infrastructure as de-
18 fined in Presidential Policy Directive
19 21 (February 12, 2013; relating to
20 critical infrastructure security and re-
21 siliency); and

22 (ii) may include variations as deter-
23 mined necessary and appropriate by the
24 President for purposes of national defense.

1 **SEC. 5122. PROHIBITIONS OR CONDITIONS ON CERTAIN**
2 **TRANSMITTALS OF FUNDS.**

3 Section 5318A of title 31, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by inserting after
7 “Secretary of the Treasury may” the following:
8 “, by order, regulation, or otherwise as per-
9 mitted by law,”;

10 (B) by striking paragraph (2) and insert-
11 ing the following:

12 “(2) FORM OF REQUIREMENT.—The special
13 measures described in subsection (b) may be im-
14 posed in such sequence or combination as the Sec-
15 retary shall determine.”; and

16 (C) by striking paragraph (3); and

17 (2) in subsection (b)—

18 (A) in paragraph (5), by striking “on be-
19 half of a foreign banking institution”; and

20 (B) by adding at the end the following:

21 “(6) PROHIBITIONS OR CONDITIONS ON CER-
22 TAIN TRANSMITTALS OF FUNDS.—If the Secretary
23 finds a jurisdiction outside of the United States, 1
24 or more financial institutions operating outside of
25 the United States, 1 or more types of accounts with-
26 in, or involving, a jurisdiction outside of the United

1 States, or 1 or more classes of transactions within,
2 or involving, a jurisdiction outside of the United
3 States to be of primary money laundering concern,
4 the Secretary, in consultation with the Secretary of
5 the State, the Attorney General, and the Chairman
6 of the Board of Governors of the Federal Reserve
7 System, may prohibit, or impose conditions upon
8 certain transmittals of funds (as such term may be
9 defined by the Secretary in a special measure
10 issuance, by regulation, or as otherwise permitted by
11 law), to or from any domestic financial institution or
12 domestic financial agency if such transmittal of
13 funds involves any such jurisdiction, institution, type
14 of account, or class of transaction.”.

15 **SEC. 5123. STRENGTHENING AWARENESS OF SANCTIONS.**

16 (a) IN GENERAL.—Section 312 of title 31, United
17 States Code, is amended by adding at the end the fol-
18 lowing::

19 “(g) OFAC EXCHANGE.—

20 “(1) ESTABLISHMENT.—The OFAC Exchange
21 is hereby established within OFAC.

22 “(2) PURPOSE.—The OFAC Exchange shall fa-
23 cilitate a voluntary public-private information shar-
24 ing partnership among law enforcement agencies,

1 national security agencies, financial institutions, and
2 OFAC to—

3 “(A) effectively and efficiently administer
4 and enforce economic and trade sanctions
5 against targeted foreign countries and regimes,
6 terrorists, international narcotics traffickers,
7 those engaged in activities related to the pro-
8 liferation of weapons of mass destruction, and
9 other threats to the national security, foreign
10 policy, or economy of the United States by pro-
11 moting innovation and technical advances in re-
12 porting—

13 “(i) under subchapter II of chapter 53
14 and the regulations promulgated under
15 that subchapter; and

16 “(ii) with respect to other economic
17 and trade sanctions requirements;

18 “(B) protect the financial system from il-
19 licit use, including evasions of existing economic
20 and trade sanctions programs; and

21 “(C) facilitate two-way information ex-
22 change between OFAC and persons who are re-
23 quired to comply with sanctions administered
24 and enforced by OFAC, including financial in-
25 stitutions, business sectors frequently affected

1 by sanctions programs, and non-government or-
2 ganizations and humanitarian groups impacted
3 by such sanctions programs.

4 “(3) REPORT.—

5 “(A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this subsection,
7 and once every 2 years thereafter for the next
8 5 years, the Secretary of the Treasury shall
9 submit to the Committees on Banking, Hous-
10 ing, and Urban Affairs and Foreign Relations
11 of the Senate and the Committees on Financial
12 Services and Foreign Affairs of the House of
13 Representatives a report containing—

14 “(i) an analysis of the efforts under-
15 taken by the OFAC Exchange, which shall
16 include an analysis of—

17 “(I) the results of those efforts;
18 and

19 “(II) the extent and effectiveness
20 of those efforts, including the extent
21 and effectiveness of communication
22 between OFAC and persons who are
23 required to comply with sanctions ad-
24 ministered and enforced by OFACs;

1 “(ii) recommendations to improve effi-
2 ciency and effectiveness of targeting, com-
3 pliance, enforcement and licensing activi-
4 ties undertake by OFAC; and

5 “(iii) any legislative, administrative,
6 or other recommendations the Secretary
7 may have to strengthen the efforts of the
8 OFAC Exchange.

9 “(B) CLASSIFIED ANNEX.—Each report
10 under subparagraph (A) may include a classi-
11 fied annex.

12 “(4) INFORMATION SHARING REQUIREMENT.—
13 Information shared under this subsection shall be
14 shared—

15 “(A) in compliance with all other applica-
16 ble Federal laws and regulations;

17 “(B) in such a manner as to ensure the
18 appropriate confidentiality of personal informa-
19 tion; and

20 “(C) at the discretion of the Director, with
21 the appropriate Federal functional regulator, as
22 defined in section of the Anti-Money Laun-
23 dering Act of 2020.

24 “(5) PROTECTION OF SHARED INFORMATION.—

1 “(A) REGULATIONS.—OFAC shall, as ap-
2 propriate, promulgate regulations that establish
3 procedures for the protection of information
4 shared and exchanged between OFAC and the
5 private sector in accordance with this section,
6 consistent with the capacity, size, and nature of
7 the financial institution to which the particular
8 procedures apply.

9 “(B) USE OF INFORMATION.—Information
10 received by a financial institution pursuant to
11 this section shall not be used for any purpose
12 other than identifying and reporting on activi-
13 ties that may involve the financing of terrorism,
14 proliferation financing, narcotics trafficking, or
15 financing of sanctioned countries, regimes, or
16 persons.

17 “(6) RULE OF CONSTRUCTION.—Nothing in
18 this subsection may be construed to create new in-
19 formation sharing authorities or requirements relat-
20 ing to the Bank Secrecy Act.”.

21 (b) SCOPE OF THE MEETINGS OF THE SUPERVISORY
22 TEAM ON COUNTERING ILLICIT FINANCE.—Section
23 6214(b) of the William M. (Mac) Thornberry National De-
24 fense Authorization Act for Fiscal Year 2021 (31 U.S.C.
25 5311 note) is amended by striking “to combat the risk

1 relating to proliferation financing” and inserting “for the
2 purposes of countering illicit finance, including prolifera-
3 tion finance and sanctions evasion”.

4 (c) COMBATING RUSSIAN MONEY LAUNDERING.—
5 Section 9714 of the Combating Russian Money Laun-
6 dering Act (Public Law 116–283) is amended—

7 (1) in subsection (a)(2), by striking “by” and
8 inserting “involving”;

9 (2) by redesignating subsections (b) and (c) as
10 subsections (f) and (g), respectively; and

11 (3) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) CLASSIFIED INFORMATION.—In any judicial re-
14 view of a finding of the existence of a primary money laun-
15 dering concern, or of the requirement for 1 or more special
16 measures with respect to a primary money laundering con-
17 cern made under this section, if the designation or imposi-
18 tion, or both, were based on classified information (as de-
19 fined in section 1(a) of the Classified Information Proce-
20 dures Act (18 U.S.C. App.), such information may be sub-
21 mitted by the Secretary to the reviewing court ex parte
22 and in camera. This subsection does not confer or imply
23 any right to judicial review of any finding made or any
24 requirement imposed under this section.

1 “(c) AVAILABILITY OF INFORMATION.—The exemp-
2 tions from, and prohibitions on, search and disclosure pro-
3 vided in section 5319 of title 31, United States Code, shall
4 apply to any report or record of report filed pursuant to
5 a requirement imposed under subsection (a) of this sec-
6 tion. For purposes of section 552 of title 5, United States
7 Code, this subsection shall be considered a statute de-
8 scribed in subsection (b)(3)(B) of that section.

9 “(d) PENALTIES.—The penalties provided for in sec-
10 tions 5321 and 5322 of title 31, United States Code, that
11 apply to violations of special measures imposed under sec-
12 tion 5318A of title 31, United States Code, shall apply
13 to violations of any order, regulation, special measure, or
14 other requirement imposed under subsection (a) of this
15 section, in the same manner and to the same extent as
16 described in sections 5321 and 5322.

17 “(e) INJUNCTIONS.—The Secretary of the Treasury
18 may bring a civil action to enjoin a violation of any order,
19 regulation, special measure, or other requirement imposed
20 under subsection (a) of this section in the same manner
21 and to the same extent as described in section 5320 of
22 title 31, United States Code.”.

1 **SEC. 5124. WORKING GROUP TO SUPPORT INNOVATION**
2 **WITH RESPECT TO DIGITAL ASSETS.**

3 (a) **ESTABLISHMENT.**—Not later than 90 days after
4 the date of the enactment of this section, the Securities
5 and Exchange Commission and the Commodity Futures
6 Trading Commission shall jointly establish a working
7 group (to be known as the “SEC and CFTC Working
8 Group on Digital Assets”) to carry out the report required
9 under subsection (c)(1).

10 (b) **MEMBERSHIP.**—

11 (1) **IN GENERAL.**—The Working Group shall be
12 composed of members appointed in accordance with
13 paragraph (2).

14 (2) **APPOINTMENT OF MEMBERS.**—

15 (A) **REPRESENTATIVES OF COMMISS-**
16 **SIONS.**—The Securities and Exchange Commis-
17 sion and the Commodity Futures Trading Com-
18 mission shall each appoint an equal number of
19 employees of each such Commission to serve as
20 members of the Working Group.

21 (B) **REPRESENTATIVES OF NONGOVERN-**
22 **MENTAL STAKEHOLDERS.**—

23 (i) **APPOINTMENT.**—The Securities
24 and Exchange Commission and the Com-
25 modity Futures Trading Commission shall
26 each appoint an equal number of non-

1 governmental representatives to serve as
2 members of the Working Group, except
3 that such number of members may not be
4 greater than or equal to the number of
5 members appointed under subparagraph
6 (A).

7 (ii) REQUIRED MEMBERS.—The mem-
8 bers of the Working Group appointed
9 under clause (i) shall include at least one
10 representative from each of the following:

11 (I) Financial technology compa-
12 nies that provide products or services
13 involving digital assets.

14 (II) Financial firms under the ju-
15 risdiction of the Securities and Ex-
16 change Commission or the Commodity
17 Futures Trading Commission.

18 (III) Institutions or organizations
19 engaged in academic research or advo-
20 cacy relating to digital asset use.

21 (IV) Small businesses engaged in
22 financial technology.

23 (V) Investor protection organiza-
24 tions.

1 (VI) Institutions and organiza-
2 tions that support investment in his-
3 torically-underserved businesses.

4 (C) NO COMPENSATION FOR MEMBERS OF
5 THE WORKING GROUP.—

6 (i) FEDERAL EMPLOYEE MEMBERS.—
7 All members of the Working Group ap-
8 pointed under subparagraph (A) shall
9 serve without compensation in addition to
10 that received for their services as officers
11 or employees of the United States.

12 (ii) NON-FEDERAL MEMBERS.—All
13 members of the Working Group appointed
14 under subparagraph (B) shall serve with-
15 out compensation.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of this section, the Work-
19 ing Group shall submit to the Securities and Ex-
20 change Commission, the Commodity Futures Trad-
21 ing Commission, and the relevant committees a re-
22 port that contains—

23 (A) an analysis of—

24 (i) the legal and regulatory framework
25 and related developments in the United

1 States relating to digital assets, includ-
2 ing—

3 (I) the impact that lack of clarity
4 in such framework has on primary
5 and secondary markets in digital as-
6 sets; and

7 (II) how the domestic legal and
8 regulatory regimes relating to digital
9 assets impact the competitive position
10 of the United States; and

11 (ii) developments in other countries
12 related to digital assets and identification
13 of how these developments impact the com-
14 petitive position of the United States; and

15 (B) recommendations—

16 (i) for the creation, maintenance, and
17 improvement of primary and secondary
18 markets in digital assets, including for im-
19 proving the fairness, orderliness, integrity,
20 efficiency, transparency, availability, and
21 efficacy of such markets;

22 (ii) for standards concerning custody,
23 private key management, cybersecurity,
24 and business continuity relating to digital
25 asset intermediaries; and

- 1 (iii) for best practices to—
- 2 (I) reduce fraud and manipula-
- 3 tion of digital assets in cash, lever-
- 4 aged, and derivatives markets;
- 5 (II) improve investor protections
- 6 for participants in such markets; and
- 7 (III) assist in compliance with
- 8 anti-money laundering and countering
- 9 the financing of terrorism obligations
- 10 under the Bank Secrecy Act.

11 (2) REPORT LIMITED TO SEC AND CFTC AU-

12 THORITIES.—The analysis and recommendations

13 provided under subparagraphs (A) and (B) of para-

14 graph (1) may only relate to the laws, regulations,

15 and related matters that are under the primary ju-

16 risdiction of the Securities and Exchange Commis-

17 sion or the Commodity Futures Trading Commis-

18 sion.

19 (d) NONAPPLICABILITY OF FACA.—The Federal Ad-

20 visory Committee Act (5 U.S.C. App.) shall not apply to

21 the Working Group.

22 (e) TERMINATION.—

23 (1) IN GENERAL.—The Working Group shall

24 terminate on the date that is 1 year after the date

25 of the enactment of this section, except that the

1 Chairman of the Securities and Exchange Commis-
2 sion and the Chairman of the Commodity Futures
3 Trading Commission may, jointly, extend the Work-
4 ing Group for a longer period, not to exceed 1 year.

5 (2) SECOND REPORT IN THE CASE OF EXTEN-
6 SION.—In the case of an extension of the Working
7 Group under paragraph (1), the Working Group
8 shall, not later than the last day of such extension,
9 submit to the Securities and Exchange Commission,
10 the Commodity Futures Trading Commission, and
11 the relevant committees a report that contains an
12 update to the analysis and recommendations re-
13 quired under subparagraphs (A) and (B) of sub-
14 section (c)(1).

15 (f) DEFINITIONS.—In this section:

16 (1) BANK SECRECY ACT.—The term “Bank Se-
17 crecy Act” means—

18 (A) section 21 of the Federal Deposit In-
19 surance Act (12 U.S.C. 1829b);

20 (B) chapter 2 of title I of Public Law 91-
21 508 (12 U.S.C. 1951 et seq.); and

22 (C) subchapter II of chapter 53 of title 31,
23 United States Code.

24 (2) HISTORICALLY-UNDERSERVED BUSI-
25 NESSES.—The term “historically-underserved busi-

1 nesses” means women-owned businesses, minority-
2 owned businesses, and rural businesses.

3 (3) RELEVANT COMMITTEES.—The term “rel-
4 evant committees” means—

5 (A) the Committee on Financial Services
6 of the House of Representatives;

7 (B) the Committee on Banking, Housing,
8 and Urban Affairs of the Senate;

9 (C) the Committee on Agriculture of the
10 House of Representatives; and

11 (D) the Committee on Agriculture, Nutri-
12 tion, and Forestry of the Senate.

13 (4) WORKING GROUP.—The term “Working
14 Group” means the working group established under
15 subsection (a).

16 **SEC. 5125. INCLUDING OF TRIBAL GOVERNMENTS AND TER-**
17 **RITORIES IN THE HIGH-RISK MONEY LAUN-**
18 **DERING AND RELATED FINANCIAL CRIME**
19 **AREAS.**

20 (a) FINDINGS.—The Congress finds the following:

21 (1) According to the Department of Justice,
22 human trafficking is “a crime that involves exploit-
23 ing a person for labor, services, or commercial sex”,
24 a global illicit trade that is estimated by Global Fi-

1 nancial Integrity to be valued at more than \$150.2
2 billion each year.

3 (2) Polaris, the non-governmental organization
4 which runs the United States National Human Traf-
5 ficking Hotline, has found that while human traf-
6 ficking is a nationwide problem, the majority of do-
7 mestic human trafficking victims are “people who
8 have historically faced discrimination and its polit-
9 ical, social and economic consequences: people of
10 color, indigenous communities, immigrants and peo-
11 ple who identify as LGBTQ+”.

12 (3) For this reason, it is important that law en-
13 forcement representing native communities and ter-
14 ritories are part of the national dialogue about coun-
15 tering human trafficking.

16 (4) The High Intensity Financial Crime Areas
17 program, which is intended to concentrate law en-
18 forcement efforts at the Federal, State, and local
19 level to combat money laundering in designated
20 high-intensity money laundering zones, considers
21 human trafficking among other financial crime
22 issues and actors.

23 (5) In each High Intensity Financial Crime
24 Area, a money-laundering action team, comprised of
25 relevant Federal, State, and local enforcement au-

1 thorities, prosecutors, and financial regulators,
2 works together to coordinate Federal, State, and
3 local anti-money laundering effort.

4 (6) The High Intensity Financial Crime Area
5 program does not currently mandate the inclusion of
6 law enforcement and other agencies from Tribes and
7 territories.

8 (7) Further, the National Strategy for Com-
9 bating Terrorist and Other Illicit Financing, a valu-
10 able report which is scheduled to sunset in January
11 2022, does not currently mandate the inclusion of
12 law enforcement and other agencies from Tribes and
13 Territories.

14 (b) NATIONAL STRATEGY FOR COMBATING TER-
15 RORIST AND OTHER ILLICIT FINANCING.—The Coun-
16 tering Russian Influence in Europe and Eurasia Act of
17 2017 (22 U.S.C. 9501 et seq.) is amended—

18 (1) in section 261(b)(2)—

19 (A) by striking “2020” and inserting
20 “2024”; and

21 (B) by striking “2022” and inserting
22 “2026”;

23 (2) in section 262—

24 (A) in paragraph (1)—

1 (i) by striking “in the documents enti-
2 tled ‘2015 National Money Laundering
3 Risk Assessment’ and ‘2015 National Ter-
4 rorist Financing Risk Assessment,’” and
5 inserting “in the documents entitled ‘2020
6 National Strategy for Combating Terrorist
7 and Other Illicit Financing’ and ‘2022 Na-
8 tional Strategy for Combating Terrorist
9 and Other Illicit Financing’”; and

10 (ii) by striking “the broader counter
11 terrorism strategy of the United States”
12 and inserting “the broader counter ter-
13 rorism and national security strategies of
14 the United States”;

15 (B) in paragraph (6)—

16 (i) by striking “PREVENTION OF IL-
17 LICIT FINANCE” and inserting “PREVEN-
18 TION, DETECTION, AND DEFEAT OF IL-
19 LICIT FINANCE”;

20 (ii) by striking “private financial sec-
21 tor” and inserting “private sector, includ-
22 ing financial and other relevant indus-
23 tries,”; and

24 (iii) by striking “with regard to the
25 prevention and detection of illicit finance”

1 and inserting “with regard to the preven-
2 tion, detection, and defeat of illicit fi-
3 nance”;

4 (C) in paragraph (7)—

5 (i) by striking “Federal, State, and
6 local officials” and inserting “Federal,
7 State, local, Tribal, and Territory offi-
8 cials”; and

9 (ii) by inserting after “State and local
10 prosecutors,” the following: “Tribal and
11 Territorial law enforcement”; and

12 (D) in paragraph (8), by striking “so-
13 called”.

14 (c) LAW ENFORCEMENT AND OTHER AGENCIES
15 FROM TRIBES AND TERRITORIES.—Section 5342 of title
16 31, United States Code is amended—

17 (1) in subsection (a)(1)(B), by striking “local,
18 State, national,” and inserting “local, State, na-
19 tional, Tribal, Territorial,”;

20 (2) in subsection (a)(2)(A), by striking “with
21 State” and inserting “with State, Tribal, Terri-
22 torial,”;

23 (3) in subsection (c)(3), by striking “any State
24 or local official or prosecutor” and inserting “any

1 State, local, Tribe, or Territory official or pros-
2 ecutor”; and

3 (4) in subsection (d), by striking “State and
4 local governments and State and local law enforce-
5 ment agencies” and inserting “State, local, Tribal,
6 and Territorial governments and State, local, Tribal,
7 and Territorial agencies”.

8 (d) FINANCIAL CRIME-FREE COMMUNITIES SUPPORT
9 PROGRAM.—

10 (1) IN GENERAL.—Section 5351 of title 31,
11 United States Code, is amended by striking “to sup-
12 port local law enforcement efforts” and inserting “
13 support local, Tribal, and Territorial law enforce-
14 ment efforts”.

15 (2) PROGRAM AUTHORIZATION.—Section 5352
16 of title 31, United States Code, is amended—

17 (A) in subsection (a), by striking “State or
18 local” in each place it occurs and inserting
19 “State, local, Tribal, or Territorial”; and

20 (B) in subsection (c)—

21 (i) by striking “State or local” and in-
22 sserting “State, local, Tribal, or Terri-
23 torial”; and

1 (ii) in paragraph (1), by striking
2 “State law” and inserting “State, Tribal,
3 or Territorial law”.

4 (3) INFORMATION COLLECTION AND DISSEMI-
5 NATION.—Section 5353(b)(3)(A) of title 31, United
6 States Code, is amended by striking “State local law
7 enforcement agencies” and inserting “State, local,
8 Tribal, and Territorial law enforcement agencies”.

9 (4) GRANTS FOR FIGHTING MONEY LAUN-
10 DERING AND RELATED FINANCIAL CRIMES.—Section
11 5354 of title 31, United States Code, is amended—

12 (A) by striking “State or local law enforce-
13 ment” and inserting “State, local, Tribal, or
14 Territorial law enforcement”;

15 (B) by striking “State and local law en-
16 forcement” and inserting “State, local, Tribal,
17 and Territorial law enforcement”; and

18 (C) by striking “Federal, State, and local
19 cooperative law enforcement” and inserting
20 “Federal, State, local, Tribal, and Territorial
21 cooperative law enforcement”.

1 **SEC. 5126. REPORT BY THE PRESIDENT ON CURRENT STA-**
2 **TUS OF ACTIVITIES RELATING TO COVID-19**
3 **TESTING UNDER THE DEFENSE PRODUCTION**
4 **ACT OF 1950.**

5 (a) REPORT.— Not later than 90 days after the date
6 of the enactment of this section, the President, in con-
7 sultation with the Administrator of the Federal Emer-
8 gency Management Agency, the Secretary of Defense, and
9 the Secretary of Health and Human Services, shall submit
10 to the Congress a report on efforts undertaken to carry
11 out section 3101 of the American Rescue Plan Act of
12 2021, and the expenditure of the \$10,000,000,000 appro-
13 priated for such purpose.

14 (b) CONTENTS.—The report required by subsection
15 (a) shall include information on—

16 (1) amounts appropriated pursuant to section
17 3101(a) of the American Rescue Plan Act of 2021
18 that have been spent on diagnostic products for the
19 detection or diagnosis of the virus that causes
20 COVID-19 that are described in section
21 3101(b)(1)(A) of such Act;

22 (2) the amount of the diagnostic products that
23 have been produced using amounts appropriated
24 pursuant to such section 3101(a);

25 (3) the distribution of any diagnostic products
26 that have been so produced;

1 (4) the cost to manufacture and the price to
2 consumers of any such diagnostic products that have
3 been so produced; and

4 (5) any plans for the expenditure, before Sep-
5 tember 30, 2025, of unspent funds appropriated
6 pursuant to such section 3101(a).

7 **SEC. 5127. BANKING TRANSPARENCY FOR SANCTIONED**
8 **PERSONS.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, and every 180 days thereafter, the Sec-
11 retary of the Treasury shall issue a report to the Commit-
12 tees on Financial Services and Foreign Affairs of the
13 House of Representatives and the Committees on Bank-
14 ing, Housing, and Urban Affairs and Foreign Relations
15 of the Senate that includes a copy of any license issued
16 by the Secretary in the preceding 180 days that authorizes
17 a United States financial institution (as defined under sec-
18 tion 561.309 of title 31, Code of Federal Regulations) to
19 provide financial services benefitting—

20 (1) a state sponsor of terrorism; or

21 (2) a person sanctioned pursuant to any of the
22 following:

23 (A) Section 404 of the Russia and Moldova
24 Jackson-Vanik Repeal and Sergei Magnitsky

1 Rule of Law Accountability Act of 2012 (Public
2 Law 112–208).

3 (B) Subtitle F of title XII of the National
4 Defense Authorization Act for Fiscal Year 2017
5 (Public Law 114–328, the Global Magnitsky
6 Human Rights Accountability Act).

7 (C) Executive Order No. 13818.

8 **SEC. 5128. FINCEN EXCHANGE.**

9 Section 310(d) of title 31, United States Code, is
10 amended—

11 (1) in paragraph (2), by inserting “other rel-
12 evant private sector entities,” after “financial insti-
13 tutions,”;

14 (2) in paragraph (3)(A)(i)(II), by inserting
15 “and other relevant private sector entities” after “fi-
16 nancial institutions”; and

17 (3) in paragraph (5)—

18 (A) in subparagraph (A), by inserting “or
19 other relevant private sector entity” after “fi-
20 nancial institution”; and

21 (B) in subparagraph (B)—

22 (i) by striking “Information” and in-
23 sserting the following:

24 “(i) USE BY FINANCIAL INSTITU-
25 TIONS.—Information”; and

1 (ii) by adding at the end the fol-
2 lowing:

3 “(ii) USE BY OTHER RELEVANT PRI-
4 VATE SECTOR ENTITIES.—Information re-
5 ceived by a relevant private sector entity
6 that is not a financial institution pursuant
7 to this section shall not be used for any
8 purpose other than assisting a financial in-
9 stitution in identifying and reporting on
10 activities that may involve the financing of
11 terrorism, money laundering, proliferation
12 financing, or other financial crimes, or in
13 assisting FinCEN or another agency of the
14 U.S. Government in mitigating the risk of
15 the financing of terrorism, money laun-
16 dering, proliferation financing, or other
17 criminal activities.”.

18 **SEC. 5129. UNITED STATES POLICY ON BURMA AT THE**
19 **INTERNATIONAL FINANCIAL INSTITUTIONS.**

20 (a) IN GENERAL.—It is the policy of the United
21 States that it will not recognize or deal with the State
22 Administration Council, or any successor entity controlled
23 by the military, as the government of Burma for the pur-
24 pose of the provision of assistance from the international
25 financial institutions.

1 (b) INTERNATIONAL FINANCIAL INSTITUTION DE-
2 FINED.—In subsection (a), the term “international finan-
3 cial institution” means the International Monetary Fund,
4 the International Bank for Reconstruction and Develop-
5 ment, the International Development Association, the
6 International Finance Corporation, the Multilateral In-
7 vestment Guarantee Agency, and the Asian Development
8 Bank.

9 (c) POSITION OF THE UNITED STATES.—Title XVI
10 of the International Financial Institutions Act (22 U.S.C.
11 262p-262p-13) is amended by adding at the end the fol-
12 lowing:

13 **“SEC. 1630. UNITED STATES POLICY ON BURMA AT THE**
14 **INTERNATIONAL FINANCIAL INSTITUTIONS.**

15 “(a) IN GENERAL.—The Secretary of Treasury shall
16 instruct the United States Executive Director at each
17 international financial institution to notify the respective
18 institution that the provision of any assistance to Burma
19 through the State Administration Council, or any suc-
20 cessor entity controlled by the military, except for humani-
21 tarian assistance channeled through an independent im-
22 plementing agency, such as the United Nations Office for
23 Project Services (UNOPS), that would be responsible for
24 financial management, procurement of goods and services,
25 and control of the flow of funds from the international

1 financial institution, would be cause for a serious review
2 of future United States participation in the institution.

3 “(b) INTERNATIONAL FINANCIAL INSTITUTION DE-
4 FINED.—In subsection (a), the term ‘international finan-
5 cial institution’ means the International Monetary Fund,
6 the International Bank for Reconstruction and Develop-
7 ment, the International Development Association, the
8 International Finance Corporation, the Multilateral In-
9 vestment Guarantee Agency, and the Asian Development
10 Bank.”.

11 **TITLE LII—RECOMMENDATIONS**
12 **OF THE NATIONAL SECURITY**
13 **COMMISSION ON ARTIFICIAL**
14 **INTELLIGENCE**

15 **SEC. 5201. MODIFICATION OF NATIONAL DEFENSE SCIENCE**
16 **AND TECHNOLOGY STRATEGY.**

17 Section 218(a) of the John S. McCain National De-
18 fense Authorization Act for Fiscal Year 2019 (Public Law
19 115–232; 132 Stat. 1679) is amended—

20 (1) in paragraph (1)—

21 (A) in the matter preceding subparagraph
22 (A), by striking “Not later than February 4,
23 2019, the Secretary of Defense shall develop a
24 strategy” and inserting “The Under Secretary
25 of Defense for Research and Engineering, pur-

1 suant to guidance provided by the Deputy Sec-
2 retary of Defense for purposes of this section
3 and in coordination with the entities specified in
4 paragraph (3), shall develop a strategy—”;

5 (B) in subparagraph (A), by striking
6 “and” at the end;

7 (C) in subparagraph (B), by striking the
8 period at the end and inserting “; and”; and

9 (D) by adding at the end the following:

10 “(C) to establish an integrated and endur-
11 ing approach to the identification,
12 prioritization, development, and fielding of
13 emerging capabilities and technologies, includ-
14 ing artificial intelligence-enabled applications.”;

15 (2) in paragraph (2)—

16 (A) in subparagraph (A), by striking “be
17 aligned with the National Defense Strategy
18 and” and inserting “inform the development of
19 each National Defense Strategy under section
20 113(g) of title 10, United States Code, and be
21 aligned with”;

22 (B) in subparagraph (B), in the matter
23 preceding clause (i), by inserting “invest-
24 ments,” after “goals,”;

1 (C) in subparagraph (C), by striking
2 “and” at the end;

3 (D) in subparagraph (D), by striking the
4 period at the end and inserting a semicolon;
5 and

6 (E) by adding at the end the following new
7 subparagraphs:

8 “(E) identify critical capabilities and tech-
9 nological applications required to address oper-
10 ational challenges outlined in the National De-
11 fense Strategy;

12 “(F) assess existing capabilities and tech-
13 nologies, including dual-use commercial tech-
14 nologies;

15 “(G) based on the determinations made
16 under subparagraphs (E) and (F), inform the
17 agenda of the Department’s research and devel-
18 opment organizations, including the Defense
19 Advanced Research Projects Agency, the de-
20 fense laboratories, university affiliated research
21 centers, and federally funded research and de-
22 velopment centers, by identifying potentially
23 disruptive and useful technologies and applica-
24 tions that warrant long-term, exploratory in-
25 vestment;

1 “(H) employ a portfolio management ap-
2 proach for pursuing such technologies and ap-
3 plications;

4 “(I) build a framework for the rapid inte-
5 gration of existing capabilities and technologies
6 to close near-term capability gaps;

7 “(J) provide informed consideration of
8 which technical areas the Department should be
9 working to advance, and which areas the De-
10 partment should work to incorporate commer-
11 cial technology; and

12 “(K) develop a consistent and transparent
13 approach to strategic defense technology prior-
14 ities to enable industry to invest deliberately in
15 emerging technologies to build and broaden the
16 capabilities of the industrial base.”.

17 (3) by striking paragraphs (3) and (4);

18 (4) by redesignating paragraphs (5) and (6) as
19 paragraphs (6) and (7), respectively;

20 (5) by inserting after paragraph (2) the fol-
21 lowing new paragraphs:

22 “(3) COORDINATION.—The Under Secretary of
23 Defense for Research and Engineering shall develop
24 the strategy under paragraph (1) in coordination
25 with relevant entities within the Office of the Sec-

1 retary of Defense, the military departments, the re-
2 search organizations of Defense Agencies and De-
3 partment of Defense Field Activities, the intelligence
4 community, defense and technology industry part-
5 ners, research and development partners, other Fed-
6 eral research agencies, and allies and partners of the
7 United States.

8 “(4) CONSIDERATIONS.—In developing the
9 strategy under paragraph (1), the Under Secretary
10 of Defense for Research and Engineering shall—

11 “(A) be informed by the operational chal-
12 lenges identified in the National Defense Strat-
13 egy and the technological threats and opportu-
14 nities identified through the global technology
15 review and assessment activities of the Depart-
16 ment of Defense, the intelligence community,
17 and other technology partners;

18 “(B) support the deliberate development of
19 capabilities based on military requirements and
20 the opportunistic development of capabilities
21 based on emerging technologies;

22 “(C) synchronize and integrate the per-
23 spectives of members of the covered Armed
24 Forces and technologists;

1 “(D) work to align the Department of De-
2 fense and the intelligence community to im-
3 prove interoperability and promote efficiencies;

4 “(E) balance investments based on near-
5 term and long-term time horizons and tech-
6 nology maturation, including—

7 “(i) mature and commercially avail-
8 able technologies and applications to ad-
9 dress near-term capability gaps and oper-
10 ational requirements;

11 “(ii) disruptive technologies to enable
12 transformative capabilities and operational
13 concepts over the longer-term; and

14 “(iii) foundational research and devel-
15 opment and technologies required for long-
16 term innovation;

17 “(F) provide strategic guidance to the re-
18 search, engineering, and acquisition commu-
19 nities of the Department of Defense and to the
20 defense and technology industries that support
21 the Department; and

22 “(G) consider the ethical and responsible
23 development and use of emerging technologies.

24 “(5) REPORTS AND UPDATES.—

1 “(A) INITIAL REPORT.—Not later than 60
2 days after the date on which the Under Sec-
3 retary of Defense for Research and Engineering
4 completes the development of the initial strat-
5 egy under paragraph (1), the Under Secretary
6 shall submit to the congressional defense com-
7 mittees a report that includes such strategy.

8 “(B) SUBSEQUENT REPORTS AND UP-
9 DATES.—Not later than the first Monday in
10 February of the year following each fiscal year
11 during which the National Defense Strategy is
12 submitted under section 113(g) of title 10,
13 United States Code, the Under Secretary of De-
14 fense for Research and Engineering shall sub-
15 mit to the congressional defense committees a
16 report that includes an updated version of the
17 strategy under paragraph (1). Each update to
18 such strategy shall be prepared for purposes of
19 such report based on emerging requirements,
20 technological developments in the United
21 States, and technical intelligence derived from
22 global technology reviews conducted by the Sec-
23 retary of Defense.

24 “(C) FORM OF REPORTS.—The reports
25 submitted under subparagraphs (A) and (B)

1 shall be submitted in unclassified form, but may
2 include a classified annex.”;

3 (6) in paragraph (6), as so redesignated—

4 (A) by striking “14 days” and inserting
5 “90 days”; and

6 (B) by striking “the Secretary” and insert-
7 ing “the Under Secretary of Defense for Re-
8 search and Engineering”; and

9 (7) by adding at the end the following new
10 paragraph:

11 “(8) COVERED ARMED FORCE DEFINED.—In
12 this section, the term ‘covered Armed Force’ means
13 the Army, Navy, Air Force, Marine Corps, and
14 Space Force.”.

15 **SEC. 5202. DEPARTMENT OF DEFENSE PLAN TO COMPETE**
16 **IN THE GLOBAL INFORMATION ENVIRON-**
17 **MENT.**

18 (a) IN GENERAL.—Not later than 270 days after the
19 date of the enactment of this Act, the Secretary of Defense
20 shall submit to Congress a report containing the plan of
21 the Secretary for the Department of Defense to compete
22 and win in the global information environment. Such plan
23 shall address the global information environment as an
24 arena of competition that is vital to the national security
25 and defense of the United States.

1 (b) ISSUES TO BE ADDRESSED.—The report required
2 by subsection (a) shall address each of the following:

3 (1) How the Department will prioritize the
4 global information environment as an arena for
5 international competition, including a plan for how
6 it will support the larger whole-of-government ef-
7 forts.

8 (2) How adversarial foreign countries and non-
9 state actors are attempting to define and control the
10 global information environment to shape global opin-
11 ion and achieve strategic advantage.

12 (3) The critical role of artificial intelligence-en-
13 abled malign information in the efforts of adver-
14 sarial foreign countries and non-state actors to
15 shape global opinion and achieve strategic advan-
16 tage.

17 (4) Actions to defend, counter, and compete
18 against malign information operations as a national
19 security threat while proactively influencing and de-
20 terring adversaries in the global information environ-
21 ment, including a prioritization of such actions.

22 (5) If the Secretary determines necessary, crit-
23 ical weapon systems and infrastructure designations
24 to update sector-specific plans to reflect emerging
25 technologies.

1 (6) An evaluation of the sufficiency of Depart-
2 ment of Defense organizational structures and re-
3 sources to counter and compete against threats and
4 challenges in the global information environment.

5 **SEC. 5203. RESOURCING PLAN FOR DIGITAL ECOSYSTEM.**

6 (a) **PLAN REQUIRED.**—Not later than one year after
7 the date of the enactment of this Act, the Secretary of
8 Defense shall develop a plan detailing the requisite invest-
9 ments required to develop and implement Department of
10 Defense strategy and guidance documents for a modern,
11 robust digital ecosystem.

12 (b) **DOCUMENTS FOR IMPLEMENTATION.**—The plan
13 required under subsection (a) shall include a description
14 of the aggregated and consolidated financial and personnel
15 requirements necessary to implement each of the following
16 Department of Defense documents:

17 (1) The Department of Defense Digital Mod-
18 ernization Strategy.

19 (2) The Department of Defense Data Strategy.

20 (3) The Department of Defense Cloud Strategy.

21 (4) The Department of Defense Software Mod-
22 ernization Strategy.

23 (5) The Department-wide software science and
24 technology strategy required under section 255 of

1 the National Defense Authorization Act for Fiscal
2 Year 2020.

3 (6) The Department of Defense Artificial Intel-
4 ligence Data Initiative.

5 (7) The Joint All-Domain Command and Con-
6 trol Strategy.

7 (8) Such other documents as the Secretary de-
8 termines appropriate.

9 (c) CONTENTS OF PLAN.—The plan required under
10 subsection (a) shall include each of the following:

11 (1) A description of the resources, personnel,
12 processes, reforms, and other requisite components
13 to enable development, testing, fielding, and contin-
14 uous update of artificial intelligence-powered appli-
15 cations at speed and scale from headquarters to the
16 tactical edge.

17 (2) An evolving reference design and guidance
18 for needed technical investments in the proposed
19 digital ecosystem that addresses issues, including
20 common interfaces, authentication, applications,
21 platforms, software, hardware, and data infrastruc-
22 ture.

23 (3) A governance structure, together with asso-
24 ciated policies and guidance, to drive the implemen-

1 tation of the plan throughout the Department of De-
2 fense on a federated basis.

3 (d) SUBMISSION TO CONGRESS.—Not later than
4 seven days after the completion of the plan required under
5 subsection (a), the Secretary of Defense shall submit the
6 plan to the congressional defense committees.

7 **SEC. 5204. DIGITAL TALENT RECRUITING OFFICER.**

8 (a) DIGITAL TALENT RECRUITING FOR THE DE-
9 PARTMENT OF DEFENSE.—

10 (1) IN GENERAL.—Not later than 270 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Defense shall designate a chief digital re-
13 cruiting officer within the office of the Under Sec-
14 retary of Defense for Personnel and Readiness to
15 carry out the responsibilities set forth in paragraph
16 (2).

17 (2) RESPONSIBILITIES.—The chief digital re-
18 cruiting officer shall be responsible for—

19 (A) identifying Department of Defense
20 needs for, and skills gaps in, specific types of
21 civilian digital talent;

22 (B) recruiting individuals with the skill
23 that meet the needs and skills gaps identified in
24 paragraph (2)(A), in partnership with the mili-
25 tary services and defense components, including

1 by attending conferences and career fairs, and
2 actively recruiting on university campuses and
3 from the private sector;

4 (C) ensuring Federal scholarship for serv-
5 ice programs are incorporated into civilian re-
6 cruiting strategies;

7 (D) when appropriate and within authority
8 granted under other Federal law, offering re-
9 cruitment and referral bonuses; and

10 (E) partnering with human resource teams
11 in the military services and defense components
12 to help train all Department of Defense human
13 resources staff on the available hiring flexibili-
14 ties to accelerate the hiring of individuals with
15 the skills that fill the needs and skills gaps
16 identified in paragraph (2)(A).

17 (3) RESOURCES.—The Secretary of Defense
18 shall ensure that the chief digital recruiting officer
19 is provided with personnel and resources sufficient
20 to carry out the duties set forth in paragraph (2).

21 (4) ROLE OF CHIEF HUMAN CAPITAL OFFI-
22 CER.—

23 (A) IN GENERAL.—The chief digital re-
24 cruiting officer shall report directly to the Chief
25 Human Capital Officer.

1 (B) INCORPORATION.—The Chief Human
2 Capital Officer shall ensure that the chief dig-
3 ital recruiting officer is incorporated into the
4 agency human capital operating plan and re-
5 cruitment strategy. In carrying out this para-
6 graph, the Chief Human Capital Officer shall
7 ensure that the chief digital recruiting officer’s
8 responsibilities are deconflicted with any other
9 recruitment initiatives and programs.

10 (b) DIGITAL TALENT DEFINED.—For the purposes
11 of this section, the term “digital talent” includes positions
12 and capabilities in, or related to, software development,
13 engineering, and product management; data science; arti-
14 ficial intelligence; distributed ledger technologies; auton-
15 omy; data management; product and user experience de-
16 sign; and cybersecurity.

17 **SEC. 5205. OCCUPATIONAL SERIES FOR DIGITAL CAREER**
18 **FIELDS.**

19 Not later than 270 days after the date of the enact-
20 ment of this Act, the Director of the Office of Personnel
21 Management shall, pursuant to chapter 51 of title 5,
22 United States Code, establish or update one or more occu-
23 pational series covering Federal Government positions in
24 the fields of software development, software engineering,
25 data science, and data management.

1 **SEC. 5206. ARTIFICIAL INTELLIGENCE READINESS GOALS.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, the Secretary of Defense
4 shall review the potential applications of artificial intel-
5 ligence and digital technology to Department of Defense
6 platforms, processes and operations, and establish per-
7 formance objectives and accompanying metrics for the in-
8 corporation of artificial intelligence and digital readiness
9 into such platforms, processes, and operations.

10 (b) SKILLS GAPS.—As a part of the review required
11 by subsection (a), the Secretary shall direct the military
12 departments and defense components to—

13 (1) conduct a comprehensive review of skill
14 gaps in the fields of software development, software
15 engineering, knowledge management, data science,
16 and artificial intelligence;

17 (2) assess the number and qualifications of ci-
18 vilian personnel needed for both management and
19 specialist tracks in such fields; and

20 (3) establish recruiting, training, and talent
21 management goals to achieve and maintain staffing
22 levels needed to fill identified gaps and meet the De-
23 partment’s needs for skilled personnel.

24 (c) REPORT TO CONGRESS.—Not later than 120 days
25 after the completion of the review required by subsection
26 (a), the Secretary shall report to Congress on the findings

1 of the review and any action taken or proposed to be taken
2 by the Secretary to address such findings.

3 **SEC. 5207. PILOT PROGRAM TO FACILITATE THE AGILE AC-**
4 **QUISITION OF TECHNOLOGIES FOR**
5 **WARFIGHTERS.**

6 (a) ESTABLISHMENT.—Subject to the availability of
7 appropriations in a program element for this purpose, the
8 Secretary of Defense shall establish and carry out a pilot
9 program to be known as the “Warfighter Innovation Tran-
10 sition Project” (referred to in this section as the
11 “Project”). Under the Project, the Secretary shall seek to
12 make grants to, or enter into contracts or other agree-
13 ments with, technology producers—

14 (1) to facilitate the agile acquisition of tech-
15 nologies, including capabilities, software, and serv-
16 ices, to support warfighters; and

17 (2) to transition such technologies, including
18 technologies developed from pilot programs, proto-
19 type projects, or other research and development
20 programs, from the prototyping phase to production
21 for implementation within the Department of De-
22 fense.

23 (b) ADMINISTRATION.—The Deputy Secretary of De-
24 fense shall administer the Project in coordination with the
25 Joint Staff, the service acquisition executive of each mili-

1 tary department, Under Secretary of Defense for Research
2 and Engineering, and the Under Secretary of Defense for
3 Acquisition and Sustainment.

4 (c) ACTIVITIES.—A technology producer that receives
5 a grant, contract, or other agreement under the Project
6 may conduct the following activities under such grant,
7 contract, or other agreement:

8 (1) To provide commercially available tech-
9 nologies to each Secretary of a military department
10 and commanders of combatant commands to support
11 warfighters.

12 (2) To build and strengthen relationships of the
13 Department of Defense with nontraditional defense
14 contractors (as defined in section 2302 of title 10,
15 United States Code) in the technology industry that
16 may have unused or underused solutions to the spe-
17 cific operational challenges of the Department.

18 (d) SUBSEQUENT AWARDS.—A technology producer
19 may receive a subsequent grant, contract, or other agree-
20 ment under the Project if—

21 (1) the duration of such subsequent grant, con-
22 tract, or other agreement is not more than three
23 years; and

1 (2) the amount of such subsequent grant, con-
2 tract, or other agreement is not greater than
3 \$50,000,000 per fiscal year.

4 (e) PRIORITY OF AWARDS.—In providing assistance
5 under the Project, the Deputy Secretary of Defense shall
6 give preference to technology producers that—

7 (1) offer commercial products or commercial
8 services, as required by section 2377 of title 10,
9 United States Code; and

10 (2) are developing a technology or a potential
11 technology that has received a grant, contract, or
12 other agreement from—

13 (A) the Small Business Innovation Re-
14 search Program or Small Business Technology
15 Transfer Program (as such terms are defined,
16 respectively, in section 9 of the Small Business
17 Act (15 U.S.C. 638)); or

18 (B) another acquisition program of the De-
19 partment of Defense.

20 (f) DATA COLLECTION.—

21 (1) PLAN REQUIRED BEFORE IMPLEMENTA-
22 TION.—The Secretary of Defense may not commence
23 the Project until the date on which the Secretary—

1 (A) completes a plan for carrying out the
2 data collection required under paragraph (2);
3 and

4 (B) submits the plan to the congressional
5 defense committees.

6 (2) DATA COLLECTION REQUIRED.—The Sec-
7 retary of Defense shall collect and analyze data on
8 the Project for the purposes of—

9 (A) developing and sharing best practices
10 for achieving the objectives of the Project;

11 (B) providing information to the Secretary
12 of Defense on the implementation of the Project
13 and related policy issues; and

14 (C) reporting to the congressional defense
15 committees as required under subsection (g).

16 (g) BIENNIAL REPORTS.—Not later than March 1
17 and September 1 of each year beginning after the date
18 of the enactment of this Act until the termination of the
19 Project, the Secretary of Defense, in coordination with the
20 Joint Staff, the applicable service acquisition executive of
21 each military department, Under Secretary of Defense for
22 Research and Engineering, and the Under Secretary of
23 Defense for Acquisition and Sustainment shall submit to
24 the congressional defense committees a report on the use

1 of funds under the Project. Each such report shall include
2 the following:

3 (1) An explanation how grants, contracts, or
4 other agreements made under the Project met mis-
5 sion requirements during the period covered by the
6 report, including—

7 (A) the value of each grant, contract, or
8 other agreement made under the Project;

9 (B) a description of the technology funded
10 with such grant, contract, or other agreement;
11 and

12 (C) the estimate future costs of such tech-
13 nology for the successful transition of such
14 technology to implementation within the De-
15 partment of Defense.

16 (2) A description of the capabilities being tested
17 under the Project as of the date of the report and
18 the proposed path to implement such capabilities
19 within the Department.

20 (3) The data and analysis required under sub-
21 section (f).

22 (4) A list and detailed description of lessons
23 learned from the Project as of the date of the report.

24 (h) TERMINATION.—The Project shall terminate on
25 December 31, 2026.

1 (i) DEFINITIONS.—In this section:

2 (1) The term “agile acquisition” means acquisi-
3 tion using agile or iterative development.

4 (2) The term “agile or iterative development”—

5 (A) means acquisition pursuant to a meth-
6 od for delivering multiple, rapid, incremental
7 capabilities to the user for operational use, eval-
8 uation, and feedback not exclusively linked to
9 any single, proprietary method or process; and

10 (B) involves—

11 (i) the incremental development and
12 fielding of capabilities which can be meas-
13 ured in short timeframe; and

14 (ii) continuous participation and col-
15 laboration by users, testers, and require-
16 ments authorities.

17 (3) The term “technology producer” means an
18 individual or entity engaged in the research, develop-
19 ment, production, or distribution of science or tech-
20 nology that—

21 (A) the Secretary of Defense determines
22 may be of use to the Department of Defense;

23 (B) at the time of receipt of a grant, con-
24 tract, or other agreement under the Project,
25 has performed or is performing one or more

1 contracts with the Department of Defense,
2 where such contracts have a total value that
3 does not exceed \$500,000,000.

4 (4) The term “warfighter” means a member of
5 the Armed Forces (other than the Coast Guard).

6 **SEC. 5208. SHORT COURSE ON EMERGING TECHNOLOGIES**
7 **FOR SENIOR CIVILIAN LEADERS.**

8 (a) **IN GENERAL.**—Not later than one year after the
9 date of the enactment of this Act, the Secretary of Defense
10 shall establish a short course on emerging technologies for
11 senior executive-level civilian leaders. The short course
12 shall be taught on an iterative, two-year cycle and shall
13 address the most recent, most relevant technologies and
14 how these technologies may be applied to military and
15 business outcomes in the Department of Defense.

16 (b) **THROUGHPUT OBJECTIVES.**—In assessing par-
17 ticipation in the short course authorized by subsection (a),
18 the Secretary of Defense shall ensure that—

19 (1) in the first year that the course is offered,
20 no fewer than twenty percent of senior executive-
21 level civilian leaders are certified as having passed
22 the short course required by subsection (a); and

23 (2) in each subsequent year, an additional ten
24 percent of senior executive-level civilian leaders are
25 certified as having passed such course, until such

1 time as eighty percent of such leaders are so cer-
2 tified.

3 **SEC. 5209. REPORTS ON RECOMMENDATIONS OF NATIONAL**
4 **SECURITY COMMISSION ON ARTIFICIAL IN-**
5 **TELLIGENCE REGARDING DEPARTMENT OF**
6 **DEFENSE.**

7 (a) **REPORTS REQUIRED.**—Not later than one year
8 after the date of the enactment of this Act, and one year
9 thereafter, the Secretary of Defense shall submit to the
10 congressional defense committees a report on the rec-
11 ommendations made by the National Security Commission
12 on Artificial Intelligence with respect to the Department
13 of Defense. Each such report shall include—

14 (1) for each such recommendation, a determina-
15 tion of whether the Secretary of Defense intends to
16 implement the recommendation;

17 (2) in the case of a recommendation the Sec-
18 retary intends to implement, the intended timeline
19 for implementation, a description of any additional
20 resources or authorities required for such implemen-
21 tation, and the plan for such implementation;

22 (3) in the case of a recommendation the Sec-
23 retary determines is not advisable or feasible, the
24 analysis and justification of the Secretary in making
25 that determination; and

1 (4) in the case of a recommendation the Sec-
2 retary determines the Department is already imple-
3 menting through a separate line of effort, the anal-
4 ysis and justification of the Secretary in making
5 that determination.

6 (b) BRIEFINGS.— Not less frequently than twice each
7 year during the two-year period beginning on the date of
8 the enactment of this Act, the Secretary of Defense shall
9 provide to the congressional defense committees briefings
10 on the progress of the Secretary in analyzing and imple-
11 menting the recommendations made by the National Secu-
12 rity Commission on Artificial Intelligence with respect to
13 the Department of Defense.

14 (c) BUDGET MATERIALS.—The Secretary of Defense
15 shall include in the annual budget submission of the Presi-
16 dent under section 1105(a) of title 31, United States
17 Code, for each of fiscal years 2023 and 2024, a report
18 listing the funding and programs of the Department of
19 Defense that advance the recommendations of the Na-
20 tional Security Commission on Artificial Intelligence.

21 **SEC. 5210. CHIEF HUMAN CAPITAL OFFICERS COUNCIL AN-**
22 **NUAL REPORT.**

23 Subsection (d) of section 1303 of the Homeland Se-
24 curity Act of 2002 (Public Law 107–296; 5 U.S.C. 1401
25 note) is amended to read as follows:

1 “(d) ANNUAL REPORTS.—

2 “(1) COUNCIL REPORT.—Each year, the Chief
3 Human Capital Officers Council shall submit a re-
4 port to Congress and the Director of the Office of
5 Personnel Management that includes the following:

6 “(A) A description of the activities of the
7 Council.

8 “(B) A description of employment barriers
9 that prevent the agency from hiring qualified
10 applicants, including those for digital talent po-
11 sitions, and recommendations for addressing
12 the barriers that would allow agencies to more
13 effectively hire qualified applicants.

14 “(2) OPM REPORT.—Not later than 60 days
15 after the Director receives a report under paragraph
16 (1), the Director shall submit to Congress and the
17 Council a report that details how the Office plans to
18 address the barriers and recommendations identified
19 by the Council in their report.

20 “(3) PUBLICATION.—The Director shall—

21 “(A) not later than 30 days after receiving
22 a report under paragraph (1), make that report
23 publicly available on the Office’s website; and

1 “(B) on the date the Director submits the
2 report under paragraph (2), make that report
3 publicly available on such website.”.

4 **SEC. 5211. ENHANCED ROLE OF THE UNDER SECRETARY OF**
5 **DEFENSE FOR RESEARCH AND ENGINEERING**
6 **ON THE JOINT REQUIREMENTS OVERSIGHT**
7 **COUNCIL.**

8 (a) IN GENERAL.—Section 181 of title 10, United
9 States Code, is amended—

10 (1) in subsection (b)—

11 (A) in the matter preceding paragraph (1),
12 by inserting “the Secretary of Defense and” be-
13 fore “the Chairman”;

14 (B) by redesignating paragraphs (2)
15 through (6) as paragraphs (3) through (7), re-
16 spectively;

17 (C) by inserting after paragraph (1) the
18 following new paragraph:

19 “(2) increasing awareness of global technology
20 trends, threats, and adversary capabilities to address
21 gaps in joint military capabilities and validate tech-
22 nical feasibility of requirements developed by the
23 military departments;”;

24 (D) in subparagraph (B) of paragraph (4)
25 (as so redesignated), by inserting “the Sec-

1 retary of Defense and” before “the Chairman”;
2 and

3 (E) in paragraph (5) (as so redesignated),
4 by inserting “the Secretary of Defense and” be-
5 fore “the Chairman”;

6 (2) in subsection (c)—

7 (A) in paragraph (1)—

8 (i) by redesignating subparagraphs
9 (B) through (F) as subparagraphs (C)
10 through (G), respectively; and

11 (ii) by inserting after subparagraph
12 (A) the following new subparagraph:

13 “(B) The Under Secretary of Defense for
14 Research and Engineering, who shall serve as
15 the Chief Science Advisor to the Council.”; and

16 (B) in paragraph (2), by striking “sub-
17 paragraphs (B), (C), (D), and (E)” and insert-
18 ing “subparagraphs (C), (D), (E), and (F)”;
19 and

20 (3) in subsection (d)—

21 (A) by striking subparagraph (D); and

22 (B) by redesignating subparagraphs (E)
23 through (H) as subparagraphs (D) through
24 (G), respectively.

1 (b) RECOMMENDATION ON EXTENSION.—Not later
2 than March 1, 2023, the Secretary of Defense, in con-
3 sultation with the Chairman of the Joint Chiefs of Staff,
4 the Under Secretary of Defense for Research and Engi-
5 neering, and the Under Secretary of Defense for Acquisi-
6 tion and Sustainment, shall submit to the congressional
7 defense committees a recommendation regarding whether
8 the Under Secretary of Defense for Research and Engi-
9 neering should be designated as the co-chair of the Joint
10 Requirements Oversight Council. The report should in-
11 clude the reasons behind the recommendation and a de-
12 scription of the additional resources and staff that would
13 be required to support such designation. The report may
14 also include input from each member or advisor of the
15 Joint Requirements Oversight Council.

16 **TITLE LIII—GREAT LAKES**
17 **WINTER SHIPPING**

18 **SEC. 5301. GREAT LAKES WINTER SHIPPING.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Great Lakes Winter Shipping Act of 2021”.

21 (b) GREAT LAKES ICEBREAKING OPERATIONS.—

22 (1) GAO REPORT.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of the enactment of this Act, the
25 Comptroller General of the United States shall

1 submit to the Committee on Commerce,
2 Science, and Transportation of the Senate and
3 the Committee on Transportation and Infra-
4 structure of the House of Representatives a re-
5 port on Coast Guard icebreaking in the Great
6 Lakes.

7 (B) ELEMENTS.—The report required
8 under subparagraph (A) shall—

9 (i) evaluate—

10 (I) the economic impact related
11 to vessel delays or cancellations asso-
12 ciated with ice coverage on the Great
13 Lakes;

14 (II) the impact the standards
15 proposed in paragraph (2) would have
16 on Coast Guard operations in the
17 Great Lakes if such standards were
18 adopted;

19 (III) the fleet mix of medium ice-
20 breakers and icebreaking tugs nec-
21 essary to meet the standards proposed
22 in paragraph (2); and

23 (IV) the resources necessary to
24 support the fleet described in sub-

1 clause (III), including billets for crew
2 and operating costs; and

3 (ii) make recommendations to the
4 Commandant for improvements to the
5 Great Lakes icebreaking program, includ-
6 ing with respect to facilitating shipping
7 and meeting all Coast Guard mission
8 needs.

9 (2) PROPOSED STANDARDS FOR ICEBREAKING
10 OPERATIONS.—The proposed standards, the impact
11 of the adoption of which is evaluated in subclauses
12 (II) and (III) of paragraph (1)(B)(i), are the fol-
13 lowing:

14 (A) Except as provided in subparagraph
15 (B), that ice-covered waterways in the Great
16 Lakes shall be open to navigation not less than
17 90 percent of the hours that vessels engaged in
18 commercial service and ferries attempt to tran-
19 sit such ice-covered waterways.

20 (B) In a year in which the Great Lakes
21 are not open to navigation as described in sub-
22 paragraph (A) because of ice of a thickness that
23 occurs on average only once every 10 years, ice-
24 covered waterways in the Great Lakes shall be
25 open to navigation at least 70 percent of the

1 hours that vessels engaged in commercial serv-
2 ice and ferries attempt to transit such ice-cov-
3 ered waterways.

4 (3) REPORT BY COMMANDANT.—Not later than
5 90 days after the date on which the Comptroller
6 General submits the report under paragraph (1), the
7 Commandant shall submit to the Committee on
8 Commerce, Science, and Transportation of the Sen-
9 ate and the Committee on Transportation and Infra-
10 structure of the House of Representatives a report
11 that includes the following:

12 (A) A plan for Coast Guard implementa-
13 tion of any recommendation made by the Comp-
14 troller General under paragraph (1)(B)(ii) with
15 which the Commandant concurs.

16 (B) With respect to any recommendation
17 made under paragraph (1)(B)(ii) with which
18 the Commandant does not concur, an expla-
19 nation of the reasons why the Commandant
20 does not concur.

21 (C) A review of, and a proposed implemen-
22 tation plan for, the results of the fleet mix anal-
23 ysis under paragraph (1)(B)(i)(III).

1 (D) Any proposed modifications to current
2 Coast Guard Standards for icebreaking oper-
3 ations in the Great Lakes.

4 (4) PILOT PROGRAM.—During the 5 ice seasons
5 following the date of enactment of this Act, the
6 Coast Guard shall conduct a pilot program to deter-
7 mine the extent to which the current Coast Guard
8 Great Lakes icebreaking cutter fleet can meet the
9 proposed standards described in paragraph (2).

10 (c) DATA ON ICEBREAKING OPERATIONS IN THE
11 GREAT LAKES.—

12 (1) IN GENERAL.—The Commandant shall col-
13 lect, during ice season, archive, and disseminate data
14 on icebreaking operations and transits on ice-covered
15 waterways in the Great Lakes of vessels engaged in
16 commercial service and ferries.

17 (2) ELEMENTS.—Data collected, archived, and
18 disseminated under paragraph (1) shall include the
19 following:

20 (A) Voyages by vessels engaged in com-
21 mercial service and ferries to transit ice-covered
22 waterways in the Great Lakes that are delayed
23 or cancelled because of the nonavailability of a
24 suitable icebreaking vessel.

1 (B) Voyages attempted by vessels engaged
2 in commercial service and ferries to transit ice-
3 covered waterways in the Great Lakes that do
4 not reach their intended destination because of
5 the nonavailability of a suitable icebreaking ves-
6 sel.

7 (C) The period of time that each vessel en-
8 gaged in commercial service or ferry was de-
9 layed in getting underway or during a transit of
10 ice-covered waterways in the Great Lakes due
11 to the nonavailability of a suitable icebreaking
12 vessel.

13 (D) The period of time elapsed between
14 each request for icebreaking assistance by a
15 vessel engaged in commercial service or ferry
16 and the arrival of a suitable icebreaking vessel
17 and whether such icebreaking vessel was a
18 Coast Guard or commercial asset.

19 (E) The percentage of hours that Great
20 Lakes ice-covered waterways were open to navi-
21 gation, as defined by this section, while vessels
22 engaged in commercial service and ferries at-
23 tempted to transit such waterways for each ice
24 season after the date of enactment of this sec-
25 tion.

1 (F) Relevant communications of each ves-
2 sel engaged in commercial service or ferry with
3 the Coast Guard or commercial icebreaking
4 service providers with respect to subparagraphs
5 (A) through (D).

6 (G) A description of any mitigating cir-
7 cumstance, such as Coast Guard Great Lakes
8 icebreaker diversions to higher priority mis-
9 sions, that may have contributed to the amount
10 of time described in subparagraphs (C) and (D)
11 or the percentage of time described in subpara-
12 graph (E).

13 (3) VOLUNTARY REPORTING.—Any reporting by
14 operators of commercial vessels engaged in commer-
15 cial service or ferries under this Act shall be vol-
16 untary.

17 (4) PUBLIC AVAILABILITY.—The Commandant
18 shall make the data collected, archived and dissemi-
19 nated under this subsection available to the public
20 on a publicly accessible internet website of the Coast
21 Guard.

22 (5) CONSULTATION WITH INDUSTRY.—With re-
23 spect to the Great Lakes icebreaking operations of
24 the Coast Guard and the development of the data
25 collected, archived, and disseminated under this sub-

1 section, the Commandant shall consult operators of
2 vessel engaged in commercial service and ferries.

3 (6) DEFINITIONS.—In this subsection:

4 (A) VESSEL.—The term “vessel” has the
5 meaning given such term in section 3 of title 1,
6 United States Code.

7 (B) COMMERCIAL SERVICE.—The term
8 “commercial service” has the meaning given
9 such term in section 2101(4) of title 46, United
10 States Code.

11 (C) GREAT LAKES.—The term “Great
12 Lakes”—

13 (i) has the meaning given such term
14 in section 118 of the Federal Water Pollu-
15 tion Control Act (33 U.S.C. 1268); and

16 (ii) includes harbors adjacent to such
17 waters.

18 (D) ICE-COVERED WATERWAY.—The term
19 “ice-covered waterway” means any portion of
20 the Great Lakes, as defined by subparagraph
21 (C), in which vessels engaged in commercial
22 service or ferries operate that is 70 percent or
23 greater covered by ice, but does not include any
24 waters adjacent to piers or docks for which

1 commercial icebreaking services are available
2 and adequate for the ice conditions.

3 (E) OPEN TO NAVIGATION.—The term
4 “open to navigation” means navigable to the ex-
5 tent necessary to meet the reasonable demands
6 of shipping, minimize delays to passenger fer-
7 ries, extricate vessels and persons from danger,
8 prevent damage due to flooding, and conduct
9 other Coast Guard missions as required.

10 (F) REASONABLE DEMANDS OF SHIP-
11 PING.—The term “reasonable demands of ship-
12 ping” means the safe movement of vessels en-
13 gaged in commercial service and ferries
14 transiting ice-covered waterways in the Great
15 Lakes to their intended destination, regardless
16 of type of cargo.

17 (d) GREAT LAKES ICEBREAKER ACQUISITION.—Of
18 the amounts authorized to be appropriated under section
19 4902(2)(A)(ii) of title 14, United States Code—

20 (1) for fiscal year 2022, \$350,000,000 shall be
21 made available to the Commandant for the acqui-
22 sition of a Great Lakes icebreaker at least as capable
23 as Coast Guard Cutter Mackinaw (WLBB-30); and

24 (2) for fiscal year 2023, \$20,000,000 shall be
25 made available to the Commandant for the design

1 and selection of icebreaking cutters for operation in
2 the Great Lakes, the Northeastern United States,
3 and the Arctic, as appropriate, that are at least as
4 capable as the Coast Guard 140-foot icebreaking
5 tugs.

6 (e) PROHIBITION ON CONTRACT OR USE OF FUNDS
7 FOR DEVELOPMENT OF COMMON HULL DESIGN.—Sec-
8 tion 8105 of the William M. (Mac) Thornberry National
9 Defense Authorization Act for Fiscal Year 2021 (Public
10 Law 116–283) is amended by striking subsection (b) and
11 inserting the following:

12 “(b) REPORT.—Not later than 90 days after the date
13 of the enactment of this subsection, the Commandant shall
14 submit to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentative a report on the operational benefits and limita-
18 tions of a common hull design for icebreaking cutters for
19 operation in the Great Lakes, the Northeastern United
20 States, and the Arctic, as appropriate, that are at least
21 as capable as the Coast Guard 140-foot icebreaking
22 tugs.”.

23 **SEC. 5302. LAW ENFORCEMENT ATTACHE DEPLOYMENT.**

24 (a) IN GENERAL.—Beginning in fiscal year 2021, the
25 Secretary of the Interior, acting through the Director of

1 the United States Fish and Wildlife Service, in consulta-
2 tion with the Secretary of State, shall require the Chief
3 of Law Enforcement of the United States Fish and Wild-
4 life Service to hire, train, and deploy not fewer than 50
5 new United States Fish and Wildlife Service law enforce-
6 ment attachés, and appropriate additional support staff,
7 at one or more United States embassies, consulates, com-
8 mands, or other facilities—

9 (1) in one or more countries designated as a
10 focus country or a country of concern in the most
11 recent report submitted under section 201 of the
12 Eliminate, Neutralize, and Disrupt Wildlife Traf-
13 ficking Act of 2016 (16 U.S.C. 7621); and

14 (2) in such additional countries or regions, as
15 determined by the Secretary of Interior, that are
16 known or suspected to be a source of illegal trade of
17 species listed—

18 (A) as threatened species or endangered
19 species under the Endangered Species Act of
20 1973 (16 U.S.C. 1531 et seq.);

21 (B) under appendix I of the Convention on
22 International Trade in Endangered Species of
23 Wild Fauna and Flora, done at Washington
24 March 3, 1973 (27 UST 1087; TIAS 8249); or

1 (C) on the International Union for the
 2 Conservation of Nature’s Red List of Threat-
 3 ened Species.

4 (b) FUNDING.—There is authorized to be appro-
 5 priated to carry out this section \$150,000,000 for each
 6 of fiscal years 2021 through 2030.

7 **TITLE LIV—SAFE BANKING**

8 **SEC. 5401. SHORT TITLE; TABLE OF CONTENTS; PURPOSE.**

9 (a) SHORT TITLE.—This title may be cited as the
 10 “Secure And Fair Enforcement Banking Act of 2021” or
 11 the “SAFE Banking Act of 2021”.

12 (b) TABLE OF CONTENTS.—The table of contents for
 13 this title is as follows:

TITLE LIV—SAFE BANKING

- Sec. 5401. Short title; table of contents; purpose.
- Sec. 5402. Safe harbor for depository institutions.
- Sec. 5403. Protections for ancillary businesses.
- Sec. 5404. Protections under Federal law.
- Sec. 5405. Rules of construction.
- Sec. 5406. Requirements for filing suspicious activity reports.
- Sec. 5407. Guidance and examination procedures.
- Sec. 5408. Annual diversity and inclusion report.
- Sec. 5409. GAO study on diversity and inclusion.
- Sec. 5410. GAO study on effectiveness of certain reports on finding certain persons.
- Sec. 5411. Application of this title with respect to hemp-related legitimate businesses and hemp-related service providers.
- Sec. 5412. Banking services for hemp-related legitimate businesses and hemp-related service providers.
- Sec. 5413. Requirements for deposit account termination requests and orders.
- Sec. 5414. Definitions.
- Sec. 5415. Discretionary surplus funds.

14 (c) PURPOSE.—The purpose of this title is to increase
 15 public safety by ensuring access to financial services to
 16 cannabis-related legitimate businesses and service pro-

1 viders and reducing the amount of cash at such busi-
2 nesses.

3 **SEC. 5402. SAFE HARBOR FOR DEPOSITORY INSTITUTIONS.**

4 (a) IN GENERAL.—A Federal banking regulator may
5 not—

6 (1) terminate or limit the deposit insur-
7 ance or share insurance of a depository institu-
8 tion under the Federal Deposit Insurance Act
9 (12 U.S.C. 1811 et seq.), the Federal Credit
10 Union Act (12 U.S.C. 1751 et seq.), or take
11 any other adverse action against a depository
12 institution under section 8 of the Federal De-
13 posit Insurance Act (12 U.S.C. 1818) solely be-
14 cause the depository institution provides or has
15 provided financial services to a cannabis-related
16 legitimate business or service provider;

17 (2) prohibit, penalize, or otherwise discour-
18 age a depository institution from providing fi-
19 nancial services to a cannabis-related legitimate
20 business or service provider or to a State, polit-
21 ical subdivision of a State, or Indian Tribe that
22 exercises jurisdiction over cannabis-related le-
23 gitimate businesses;

24 (3) recommend, incentivize, or encourage a
25 depository institution not to offer financial serv-

1 ices to an account holder, or to downgrade or
2 cancel the financial services offered to an ac-
3 count holder solely because—

4 (A) the account holder is a cannabis-
5 related legitimate business or service pro-
6 vider, or is an employee, owner, or oper-
7 ator of a cannabis-related legitimate busi-
8 ness or service provider;

9 (B) the account holder later becomes
10 an employee, owner, or operator of a can-
11 nabis-related legitimate business or service
12 provider; or

13 (C) the depository institution was not
14 aware that the account holder is an em-
15 ployee, owner, or operator of a cannabis-re-
16 lated legitimate business or service pro-
17 vider;

18 (4) take any adverse or corrective super-
19 visory action on a loan made to—

20 (A) a cannabis-related legitimate busi-
21 ness or service provider, solely because the
22 business is a cannabis-related legitimate
23 business or service provider;

24 (B) an employee, owner, or operator
25 of a cannabis-related legitimate business or

1 service provider, solely because the em-
2 ployee, owner, or operator is employed by,
3 owns, or operates a cannabis-related legiti-
4 mate business or service provider, as appli-
5 cable; or

6 (C) an owner or operator of real es-
7 tate or equipment that is leased to a can-
8 nabis-related legitimate business or service
9 provider, solely because the owner or oper-
10 ator of the real estate or equipment leased
11 the equipment or real estate to a cannabis-
12 related legitimate business or service pro-
13 vider, as applicable; or

14 (5) prohibit or penalize a depository insti-
15 tution (or entity performing a financial service
16 for or in association with a depository institu-
17 tion) for, or otherwise discourage a depository
18 institution (or entity performing a financial
19 service for or in association with a depository
20 institution) from, engaging in a financial service
21 for a cannabis-related legitimate business or
22 service provider.

23 (b) SAFE HARBOR APPLICABLE TO DE NOVO INSTI-
24 TUTIONS.—Subsection (a) shall apply to an institution ap-

1 plying for a depository institution charter to the same ex-
2 tent as such subsection applies to a depository institution.

3 **SEC. 5403. PROTECTIONS FOR ANCILLARY BUSINESSES.**

4 For the purposes of sections 1956 and 1957 of title
5 18, United States Code, and all other provisions of Fed-
6 eral law, the proceeds from a transaction involving activi-
7 ties of a cannabis-related legitimate business or service
8 provider shall not be considered proceeds from an unlawful
9 activity solely because—

10 (1) the transaction involves proceeds from a
11 cannabis-related legitimate business or service pro-
12 vider; or

13 (2) the transaction involves proceeds from—

14 (A) cannabis-related activities described in
15 section 5414(4)(B) conducted by a cannabis-re-
16 lated legitimate business; or

17 (B) activities described in section
18 5414(13)(A) conducted by a service provider.

19 **SEC. 5404. PROTECTIONS UNDER FEDERAL LAW.**

20 (a) IN GENERAL.—With respect to providing a finan-
21 cial service to a cannabis-related legitimate business
22 (where such cannabis-related legitimate business operates
23 within a State, political subdivision of a State, or Indian
24 country that allows the cultivation, production, manufac-
25 ture, sale, transportation, display, dispensing, distribution,

1 or purchase of cannabis pursuant to a law or regulation
2 of such State, political subdivision, or Indian Tribe that
3 has jurisdiction over the Indian country, as applicable) or
4 a service provider (wherever located), a depository institu-
5 tion, entity performing a financial service for or in associa-
6 tion with a depository institution, or insurer that provides
7 a financial service to a cannabis-related legitimate busi-
8 ness or service provider, and the officers, directors, and
9 employees of that depository institution, entity, or insurer
10 may not be held liable pursuant to any Federal law or
11 regulation—

12 (1) solely for providing such a financial service;

13 or

14 (2) for further investing any income derived
15 from such a financial service.

16 (b) PROTECTIONS FOR FEDERAL RESERVE BANKS
17 AND FEDERAL HOME LOAN BANKS.—With respect to
18 providing a service to a depository institution that pro-
19 vides a financial service to a cannabis-related legitimate
20 business (where such cannabis-related legitimate business
21 operates within a State, political subdivision of a State,
22 or Indian country that allows the cultivation, production,
23 manufacture, sale, transportation, display, dispensing, dis-
24 tribution, or purchase of cannabis pursuant to a law or
25 regulation of such State, political subdivision, or Indian

1 Tribe that has jurisdiction over the Indian country, as ap-
2 plicable) or service provider (wherever located), a Federal
3 reserve bank or Federal Home Loan Bank, and the offi-
4 cers, directors, and employees of the Federal reserve bank
5 or Federal Home Loan Bank, may not be held liable pur-
6 suant to any Federal law or regulation—

7 (1) solely for providing such a service; or

8 (2) for further investing any income derived
9 from such a service.

10 (c) PROTECTIONS FOR INSURERS.—With respect to
11 engaging in the business of insurance within a State, polit-
12 ical subdivision of a State, or Indian country that allows
13 the cultivation, production, manufacture, sale, transpor-
14 tation, display, dispensing, distribution, or purchase of
15 cannabis pursuant to a law or regulation of such State,
16 political subdivision, or Indian Tribe that has jurisdiction
17 over the Indian country, as applicable, an insurer that en-
18 gages in the business of insurance with a cannabis-related
19 legitimate business or service provider or who otherwise
20 engages with a person in a transaction permissible under
21 State law related to cannabis, and the officers, directors,
22 and employees of that insurer may not be held liable pur-
23 suant to any Federal law or regulation—

24 (1) solely for engaging in the business of insur-
25 ance; or

1 (2) for further investing any income derived
2 from the business of insurance.

3 (d) FORFEITURE.—

4 (1) DEPOSITORY INSTITUTIONS.—A depository
5 institution that has a legal interest in the collateral
6 for a loan or another financial service provided to an
7 owner, employee, or operator of a cannabis-related
8 legitimate business or service provider, or to an
9 owner or operator of real estate or equipment that
10 is leased or sold to a cannabis-related legitimate
11 business or service provider, shall not be subject to
12 criminal, civil, or administrative forfeiture of that
13 legal interest pursuant to any Federal law for pro-
14 viding such loan or other financial service.

15 (2) FEDERAL RESERVE BANKS AND FEDERAL
16 HOME LOAN BANKS.—A Federal reserve bank or
17 Federal Home Loan Bank that has a legal interest
18 in the collateral for a loan or another financial serv-
19 ice provided to a depository institution that provides
20 a financial service to a cannabis-related legitimate
21 business or service provider, or to an owner or oper-
22 ator of real estate or equipment that is leased or
23 sold to a cannabis-related legitimate business or
24 service provider, shall not be subject to criminal,
25 civil, or administrative forfeiture of that legal inter-

1 est pursuant to any Federal law for providing such
2 loan or other financial service.

3 **SEC. 5405. RULES OF CONSTRUCTION.**

4 (a) NO REQUIREMENT TO PROVIDE FINANCIAL
5 SERVICES.—Nothing in this title shall require a depository
6 institution, entity performing a financial service for or in
7 association with a depository institution, or insurer to pro-
8 vide financial services to a cannabis-related legitimate
9 business, service provider, or any other business.

10 (b) GENERAL EXAMINATION, SUPERVISORY, AND
11 ENFORCEMENT AUTHORITY.—Nothing in this title may
12 be construed in any way as limiting or otherwise restrict-
13 ing the general examination, supervisory, and enforcement
14 authority of the Federal banking regulators, provided that
15 the basis for any supervisory or enforcement action is not
16 the provision of financial services to a cannabis-related le-
17 gitimate business or service provider.

18 (c) BUSINESS OF INSURANCE.—Nothing in this title
19 shall interfere with the regulation of the business of insur-
20 ance in accordance with the Act of March 9, 1945 (59
21 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly
22 known as the “McCarran-Ferguson Act”) and the Dodd-
23 Frank Wall Street Reform and Consumer Protection Act
24 (12 U.S.C. 5301 et seq.).

1 **SEC. 5406. REQUIREMENTS FOR FILING SUSPICIOUS ACTIV-**
2 **ITY REPORTS.**

3 Section 5318(g) of title 31, United States Code, is
4 amended by adding at the end the following:

5 “(5) REQUIREMENTS FOR CANNABIS-RELATED
6 LEGITIMATE BUSINESSES.—

7 “(A) IN GENERAL.—With respect to a fi-
8 nancial institution or any director, officer, em-
9 ployee, or agent of a financial institution that
10 reports a suspicious transaction pursuant to
11 this subsection, if the reason for the report re-
12 lates to a cannabis-related legitimate business
13 or service provider, the report shall comply with
14 appropriate guidance issued by the Financial
15 Crimes Enforcement Network. Not later than
16 the end of the 180-day period beginning on the
17 date of enactment of this paragraph, the Sec-
18 retary shall update the February 14, 2014,
19 guidance titled ‘BSA Expectations Regarding
20 Marijuana-Related Businesses’ (FIN–2014–
21 G001) to ensure that the guidance is consistent
22 with the purpose and intent of the SAFE
23 Banking Act of 2021 and does not significantly
24 inhibit the provision of financial services to a
25 cannabis-related legitimate business or service
26 provider in a State, political subdivision of a

1 State, or Indian country that has allowed the
2 cultivation, production, manufacture, transpor-
3 tation, display, dispensing, distribution, sale, or
4 purchase of cannabis pursuant to law or regula-
5 tion of such State, political subdivision, or In-
6 dian Tribe that has jurisdiction over the Indian
7 country.

8 “(B) DEFINITIONS.—For purposes of this
9 paragraph:

10 “(i) CANNABIS.—The term ‘cannabis’
11 has the meaning given the term ‘mari-
12 huana’ in section 102 of the Controlled
13 Substances Act (21 U.S.C. 802).

14 “(ii) CANNABIS-RELATED LEGITIMATE
15 BUSINESS.—The term ‘cannabis-related le-
16 gitimate business’ has the meaning given
17 that term in section 5414 of the SAFE
18 Banking Act of 2021.

19 “(iii) INDIAN COUNTRY.—The term
20 ‘Indian country’ has the meaning given
21 that term in section 1151 of title 18.

22 “(iv) INDIAN TRIBE.—The term ‘In-
23 dian Tribe’ has the meaning given that
24 term in section 102 of the Federally Rec-

1 ognized Indian Tribe List Act of 1994 (25
2 U.S.C. 479a).

3 “(v) FINANCIAL SERVICE.—The term
4 ‘financial service’ has the meaning given
5 that term in section 5414 of the SAFE
6 Banking Act of 2021.

7 “(vi) SERVICE PROVIDER.—The term
8 ‘service provider’ has the meaning given
9 that term in section 5414 of the SAFE
10 Banking Act of 2021.

11 “(vii) STATE.—The term ‘State’
12 means each of the several States, the Dis-
13 trict of Columbia, the Commonwealth of
14 Puerto Rico, and any territory or posses-
15 sion of the United States.”.

16 **SEC. 5407. GUIDANCE AND EXAMINATION PROCEDURES.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Financial Institutions Examination Coun-
19 cil shall develop uniform guidance and examination proce-
20 dures for depository institutions that provide financial
21 services to cannabis-related legitimate businesses and
22 service providers.

23 **SEC. 5408. ANNUAL DIVERSITY AND INCLUSION REPORT.**

24 The Federal banking regulators shall issue an annual
25 report to Congress containing—

1 (1) information and data on the availability of
2 access to financial services for minority-owned and
3 women-owned cannabis-related legitimate businesses;
4 and

5 (2) any regulatory or legislative recommenda-
6 tions for expanding access to financial services for
7 minority-owned and women-owned cannabis-related
8 legitimate businesses.

9 **SEC. 5409. GAO STUDY ON DIVERSITY AND INCLUSION.**

10 (a) **STUDY.**—The Comptroller General of the United
11 States shall carry out a study on the barriers to market-
12 place entry, including in the licensing process, and the ac-
13 cess to financial services for potential and existing minor-
14 ity-owned and women-owned cannabis-related legitimate
15 businesses.

16 (b) **REPORT.**—The Comptroller General shall issue a
17 report to the Congress—

18 (1) containing all findings and determinations
19 made in carrying out the study required under sub-
20 section (a); and

21 (2) containing any regulatory or legislative rec-
22 ommendations for removing barriers to marketplace
23 entry, including in the licensing process, and ex-
24 panding access to financial services for potential and

1 existing minority-owned and women-owned cannabis-
2 related legitimate businesses.

3 **SEC. 5410. GAO STUDY ON EFFECTIVENESS OF CERTAIN RE-**
4 **PORTS ON FINDING CERTAIN PERSONS.**

5 Not later than 2 years after the date of the enact-
6 ment of this Act, the Comptroller General of the United
7 States shall carry out a study on the effectiveness of re-
8 ports on suspicious transactions filed pursuant to section
9 5318(g) of title 31, United States Code, at finding individ-
10 uals or organizations suspected or known to be engaged
11 with transnational criminal organizations and whether any
12 such engagement exists in a State, political subdivision,
13 or Indian Tribe that has jurisdiction over Indian country
14 that allows the cultivation, production, manufacture, sale,
15 transportation, display, dispensing, distribution, or pur-
16 chase of cannabis. The study shall examine reports on sus-
17 picious transactions as follows:

18 (1) During the period of 2014 until the date of
19 the enactment of this Act, reports relating to mari-
20 juana-related businesses.

21 (2) During the 1-year period after date of the
22 enactment of this Act, reports relating to cannabis-
23 related legitimate businesses.

1 **SEC. 5411. APPLICATION OF THIS TITLE WITH RESPECT TO**
2 **HEMP-RELATED LEGITIMATE BUSINESSES**
3 **AND HEMP-RELATED SERVICE PROVIDERS.**

4 (a) **IN GENERAL.**—The provisions of this title (other
5 than sections 5406 and 5410) shall apply with respect to
6 hemp-related legitimate businesses and hemp-related serv-
7 ice providers in the same manner as such provisions apply
8 with respect to cannabis-related legitimate businesses and
9 service providers.

10 (b) **DEFINITIONS.**—In this section:

11 (1) **CBD.**—The term “CBD” means
12 cannabidiol.

13 (2) **HEMP.**—The term “hemp” has the meaning
14 given that term under section 297A of the Agricul-
15 tural Marketing Act of 1946 (7 U.S.C. 1639o).

16 (3) **HEMP-RELATED LEGITIMATE BUSINESS.**—
17 The term “hemp-related legitimate business” means
18 a manufacturer, producer, or any person or company
19 that—

20 (A) engages in any activity described in
21 subparagraph (B) in conformity with the Agri-
22 cultural Improvement Act of 2018 (Public Law
23 115–334) and the regulations issued to imple-
24 ment such Act by the Department of Agri-
25 culture, where applicable, and the law of a

1 State or political subdivision thereof or Indian
2 Tribe; and

3 (B) participates in any business or orga-
4 nized activity that involves handling hemp,
5 hemp-derived CBD products, and other hemp-
6 derived cannabinoid products, including culti-
7 vating, producing, extracting, manufacturing,
8 selling, transporting, displaying, dispensing, dis-
9 tributing, or purchasing hemp, hemp-derived
10 CBD products, and other hemp-derived
11 cannabinoid products.

12 (4) HEMP-RELATED SERVICE PROVIDER.—The
13 term “hemp-related service provider”—

14 (A) means a business, organization, or
15 other person that—

16 (i) sells goods or services to a hemp-
17 related legitimate business; or

18 (ii) provides any business services, in-
19 cluding the sale or lease of real or any
20 other property, legal or other licensed serv-
21 ices, or any other ancillary service, relating
22 to hemp, hemp-derived CBD products, or
23 other hemp-derived cannabinoid products;
24 and

1 (B) does not include a business, organiza-
2 tion, or other person that participates in any
3 business or organized activity that involves han-
4 dling hemp, hemp-derived CBD products, or
5 other hemp-derived cannabinoid products, in-
6 cluding cultivating, producing, manufacturing,
7 selling, transporting, displaying, dispensing, dis-
8 tributing, or purchasing hemp, hemp-derived
9 CBD products, and other hemp-derived
10 cannabinoid products.

11 **SEC. 5412. BANKING SERVICES FOR HEMP-RELATED LE-**
12 **GITIMATE BUSINESSES AND HEMP-RELATED**
13 **SERVICE PROVIDERS.**

14 (a) FINDINGS.—The Congress finds that—

15 (1) the Agriculture Improvement Act of 2018
16 (Public Law 115–334) legalized hemp by removing
17 it from the definition of “marihuana” under the
18 Controlled Substances Act;

19 (2) despite the legalization of hemp, some hemp
20 businesses (including producers, manufacturers, and
21 retailers) continue to have difficulty gaining access
22 to banking products and services; and

23 (3) businesses involved in the sale of hemp-de-
24 rived CBD products are particularly affected, due to
25 confusion about the legal status of such products.

1 (b) FEDERAL BANKING REGULATORS' HEMP BANK-
2 ING GUIDANCE.—Not later than the end of the 90-day pe-
3 riod beginning on the date of enactment of this Act, the
4 Federal banking regulators shall update their existing
5 guidance, as applicable, regarding the provision of finan-
6 cial services to hemp-related legitimate businesses and
7 hemp-related service providers to address—

8 (1) compliance with financial institutions' exist-
9 ing obligations under Federal laws and imple-
10 menting regulations determined relevant by the Fed-
11 eral banking regulators, including subchapter II of
12 chapter 53 of title 31, United States Code, and its
13 implementing regulation in conformity with this title
14 and the Department of Agriculture's rules regulating
15 domestic hemp production (7 CFR 990); and

16 (2) best practices for financial institutions to
17 follow when providing financial services, including
18 processing payments, to hemp-related legitimate
19 businesses and hemp-related service providers.

20 (c) DEFINITIONS.—In this section:

21 (1) FINANCIAL INSTITUTION.—The term “fi-
22 nancial institution”—

23 (A) has the meaning given that term under
24 section 5312(a) of title 31, United States Code;
25 and

1 (B) includes a bank holding company, as
2 defined under section 2(a) of the Bank Holding
3 Company Act of 1956 (12 U.S.C. 1841(a)).

4 (2) HEMP TERMS.—The terms “CBD”,
5 “hemp”, “hemp-related legitimate business”, and
6 “hemp-related service provider” have the meaning
7 given those terms, respectively, under section 5411.

8 **SEC. 5413. REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-**
9 **NATION REQUESTS AND ORDERS.**

10 (a) TERMINATION REQUESTS OR ORDERS MUST BE
11 VALID.—

12 (1) IN GENERAL.—An appropriate Federal
13 banking agency may not formally or informally re-
14 quest or order a depository institution to terminate
15 a specific customer account or group of customer ac-
16 counts or to otherwise restrict or discourage a de-
17 pository institution from entering into or maintain-
18 ing a banking relationship with a specific customer
19 or group of customers unless—

20 (A) the agency has a valid reason for such
21 request or order; and

22 (B) such reason is not based solely on rep-
23 utation risk.

24 (2) TREATMENT OF NATIONAL SECURITY
25 THREATS.—If an appropriate Federal banking agen-

1 cy believes a specific customer or group of customers
2 is, or is acting as a conduit for, an entity which—

3 (A) poses a threat to national security;

4 (B) is involved in terrorist financing;

5 (C) is an agency of the Government of
6 Iran, North Korea, Syria, or any country listed
7 from time to time on the State Sponsors of
8 Terrorism list;

9 (D) is located in, or is subject to the juris-
10 diction of, any country specified in subpara-
11 graph (C); or

12 (E) does business with any entity described
13 in subparagraph (C) or (D), unless the appro-
14 priate Federal banking agency determines that
15 the customer or group of customers has used
16 due diligence to avoid doing business with any
17 entity described in subparagraph (C) or (D),

18 such belief shall satisfy the requirement under para-
19 graph (1).

20 (b) NOTICE REQUIREMENT.—

21 (1) IN GENERAL.—If an appropriate Federal
22 banking agency formally or informally requests or
23 orders a depository institution to terminate a spe-
24 cific customer account or a group of customer ac-
25 counts, the agency shall—

1 (A) provide such request or order to the
2 institution in writing; and

3 (B) accompany such request or order with
4 a written justification for why such termination
5 is needed, including any specific laws or regula-
6 tions the agency believes are being violated by
7 the customer or group of customers, if any.

8 (2) JUSTIFICATION REQUIREMENT.—A jus-
9 tification described under paragraph (1)(B) may not
10 be based solely on the reputation risk to the deposi-
11 tory institution.

12 (c) CUSTOMER NOTICE.—

13 (1) NOTICE REQUIRED.—Except as provided
14 under paragraph (2) or as otherwise prohibited from
15 being disclosed by law, if an appropriate Federal
16 banking agency orders a depository institution to
17 terminate a specific customer account or a group of
18 customer accounts, the depository institution shall
19 inform the specific customer or group of customers
20 of the justification for the customer's account termi-
21 nation described under subsection (b).

22 (2) NOTICE PROHIBITED.—

23 (A) NOTICE PROHIBITED IN CASES OF NA-
24 TIONAL SECURITY.—If an appropriate Federal
25 banking agency requests or orders a depository

1 institution to terminate a specific customer ac-
2 count or a group of customer accounts based on
3 a belief that the customer or customers pose a
4 threat to national security, or are otherwise de-
5 scribed under subsection (a)(2), neither the de-
6 pository institution nor the appropriate Federal
7 banking agency may inform the customer or
8 customers of the justification for the customer's
9 account termination.

10 (B) NOTICE PROHIBITED IN OTHER
11 CASES.—If an appropriate Federal banking
12 agency determines that the notice required
13 under paragraph (1) may interfere with an au-
14 thorized criminal investigation, neither the de-
15 pository institution nor the appropriate Federal
16 banking agency may inform the specific cus-
17 tomer or group of customers of the justification
18 for the customer's account termination.

19 (d) REPORTING REQUIREMENT.—Each appropriate
20 Federal banking agency shall issue an annual report to
21 the Congress stating—

22 (1) the aggregate number of specific customer
23 accounts that the agency requested or ordered a de-
24 pository institution to terminate during the previous
25 year; and

1 (2) the legal authority on which the agency re-
2 lied in making such requests and orders and the fre-
3 quency on which the agency relied on each such au-
4 thority.

5 (e) DEFINITIONS.—For purposes of this section:

6 (1) APPROPRIATE FEDERAL BANKING AGEN-
7 CY.—The term “appropriate Federal banking agen-
8 cy” means—

9 (A) the appropriate Federal banking agen-
10 cy, as defined under section 3 of the Federal
11 Deposit Insurance Act (12 U.S.C. 1813); and

12 (B) the National Credit Union Administra-
13 tion, in the case of an insured credit union.

14 (2) DEPOSITORY INSTITUTION.—The term “de-
15 pository institution” means—

16 (A) a depository institution, as defined
17 under section 3 of the Federal Deposit Insur-
18 ance Act (12 U.S.C. 1813); and

19 (B) an insured credit union.

20 **SEC. 5414. DEFINITIONS.**

21 In this title:

22 (1) BUSINESS OF INSURANCE.—The term
23 “business of insurance” has the meaning given such
24 term in section 1002 of the Dodd-Frank Wall Street

1 Reform and Consumer Protection Act (12 U.S.C.
2 5481).

3 (2) CANNABIS.—The term “cannabis” has the
4 meaning given the term “marihuana” in section 102
5 of the Controlled Substances Act (21 U.S.C. 802).

6 (3) CANNABIS PRODUCT.—The term “cannabis
7 product” means any article which contains cannabis,
8 including an article which is a concentrate, an edi-
9 ble, a tincture, a cannabis-infused product, or a top-
10 ical.

11 (4) CANNABIS-RELATED LEGITIMATE BUSI-
12 NESS.—The term “cannabis-related legitimate busi-
13 ness” means a manufacturer, producer, or any per-
14 son or company that—

15 (A) engages in any activity described in
16 subparagraph (B) pursuant to a law established
17 by a State or a political subdivision of a State,
18 as determined by such State or political subdivi-
19 sion; and

20 (B) participates in any business or orga-
21 nized activity that involves handling cannabis or
22 cannabis products, including cultivating, pro-
23 ducing, manufacturing, selling, transporting,
24 displaying, dispensing, distributing, or pur-
25 chasing cannabis or cannabis products.

1 (5) DEPOSITORY INSTITUTION.—The term “de-
2 pository institution” means—

3 (A) a depository institution as defined in
4 section 3(c) of the Federal Deposit Insurance
5 Act (12 U.S.C. 1813(c));

6 (B) a Federal credit union as defined in
7 section 101 of the Federal Credit Union Act
8 (12 U.S.C. 1752); or

9 (C) a State credit union as defined in sec-
10 tion 101 of the Federal Credit Union Act (12
11 U.S.C. 1752).

12 (6) FEDERAL BANKING REGULATOR.—The
13 term “Federal banking regulator” means each of the
14 Board of Governors of the Federal Reserve System,
15 the Bureau of Consumer Financial Protection, the
16 Federal Deposit Insurance Corporation, the Federal
17 Housing Finance Agency, the Financial Crimes En-
18 forcement Network, the Office of Foreign Asset
19 Control, the Office of the Comptroller of the Cur-
20 rency, the National Credit Union Administration,
21 the Department of the Treasury, or any Federal
22 agency or department that regulates banking or fi-
23 nancial services, as determined by the Secretary of
24 the Treasury.

1 (7) FINANCIAL SERVICE.—The term “financial
2 service”—

3 (A) means a financial product or service,
4 as defined in section 1002 of the Dodd-Frank
5 Wall Street Reform and Consumer Protection
6 Act (12 U.S.C. 5481), regardless if the cus-
7 tomer receiving the product or service is a con-
8 sumer or commercial entity;

9 (B) means a financial product or service,
10 or any combination of products and services,
11 permitted to be provided by—

12 (i) a national bank or a financial sub-
13 sidiary pursuant to the authority provided
14 under—

15 (I) the provision designated
16 “Seventh” of section 5136 of the Re-
17 vised Statutes of the United States
18 (12 U.S.C. 24); or

19 (II) section 5136A of the Revised
20 Statutes of the United States (12
21 U.S.C. 24a); and

22 (ii) a Federal credit union, pursuant
23 to the authority provided under the Fed-
24 eral Credit Union Act;

25 (C) includes the business of insurance;

1 (D) includes, whether performed directly or
2 indirectly, the authorizing, processing, clearing,
3 settling, billing, transferring for deposit, trans-
4 mitting, delivering, instructing to be delivered,
5 reconciling, collecting, or otherwise effectuating
6 or facilitating of payments or funds, where such
7 payments or funds are made or transferred by
8 any means, including by the use of credit cards,
9 debit cards, other payment cards, or other ac-
10 cess devices, accounts, original or substitute
11 checks, or electronic funds transfers;

12 (E) includes acting as a money transmit-
13 ting business which directly or indirectly makes
14 use of a depository institution in connection
15 with effectuating or facilitating a payment for
16 a cannabis-related legitimate business or service
17 provider in compliance with section 5330 of
18 title 31, United States Code, and any applicable
19 State law; and

20 (F) includes acting as an armored car
21 service for processing and depositing with a de-
22 pository institution or a Federal reserve bank
23 with respect to any monetary instruments (as
24 defined under section 1956(c)(5) of title 18,
25 United States Code.

1 (8) INDIAN COUNTRY.—The term “Indian coun-
2 try” has the meaning given that term in section
3 1151 of title 18.

4 (9) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given that term in section 102 of
6 the Federally Recognized Indian Tribe List Act of
7 1994 (25 U.S.C. 479a).

8 (10) INSURER.—The term “insurer” has the
9 meaning given that term under section 313(r) of
10 title 31, United States Code.

11 (11) MANUFACTURER.—The term “manufac-
12 turer” means a person who manufactures, com-
13 pounds, converts, processes, prepares, or packages
14 cannabis or cannabis products.

15 (12) PRODUCER.—The term “producer” means
16 a person who plants, cultivates, harvests, or in any
17 way facilitates the natural growth of cannabis.

18 (13) SERVICE PROVIDER.—The term “service
19 provider”—

20 (A) means a business, organization, or
21 other person that—

22 (i) sells goods or services to a can-
23 nabis-related legitimate business; or

24 (ii) provides any business services, in-
25 cluding the sale or lease of real or any

1 other property, legal or other licensed serv-
2 ices, or any other ancillary service, relating
3 to cannabis; and

4 (B) does not include a business, organiza-
5 tion, or other person that participates in any
6 business or organized activity that involves han-
7 dling cannabis or cannabis products, including
8 cultivating, producing, manufacturing, selling,
9 transporting, displaying, dispensing, distrib-
10 uting, or purchasing cannabis or cannabis prod-
11 ucts.

12 (14) STATE.—The term “State” means each of
13 the several States, the District of Columbia, the
14 Commonwealth of Puerto Rico, and any territory or
15 possession of the United States.

16 **SEC. 5415. DISCRETIONARY SURPLUS FUNDS.**

17 Section 7(a)(3)(A) of the Federal Reserve Act (12
18 U.S.C. 289(a)(3)(A)) is amended by reducing the dollar
19 figure by \$6,000,000.

1 **TITLE LV—WILDERNESS AND**
2 **PUBLIC LANDS**
3 **Subtitle A—Colorado Wilderness**

4 **SEC. 5501. SECRETARY DEFINED.**

5 As used in this subtitle, the term “Secretary” means
6 the Secretary of the Interior or the Secretary of Agri-
7 culture, as appropriate.

8 **SEC. 5502. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
9 **VATION SYSTEM IN THE STATE OF COLO-**
10 **RADO.**

11 (a) ADDITIONS.—Section 2(a) of the Colorado Wil-
12 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;
13 16 U.S.C. 1132 note) is amended by adding at the end
14 the following paragraphs:

15 “(23) Certain lands managed by the Colorado
16 River Valley Field Office of the Bureau of Land
17 Management, which comprise approximately 316
18 acres, as generally depicted on a map titled ‘Maroon
19 Bells Addition Proposed Wilderness’, dated July 20,
20 2018, which is hereby incorporated in and shall be
21 deemed to be a part of the Maroon Bells-Snowmass
22 Wilderness Area designated by Public Law 88–577.

23 “(24) Certain lands managed by the Gunnison
24 Field Office of the Bureau of Land Management,
25 which comprise approximately 38,217 acres, as gen-

1 erally depicted on a map titled ‘Redcloud & Handies
2 Peak Proposed Wilderness’, dated October 9, 2019,
3 which shall be known as the Redcloud Peak Wilder-
4 ness.

5 “(25) Certain lands managed by the Gunnison
6 Field Office of the Bureau of Land Management or
7 located in the Grand Mesa, Uncompahgre, and Gun-
8 nison National Forests, which comprise approxi-
9 mately 26,734 acres, as generally depicted on a map
10 titled ‘Redcloud & Handies Peak Proposed Wilder-
11 ness’, dated October 9, 2019, which shall be known
12 as the Handies Peak Wilderness.

13 “(26) Certain lands managed by the Royal
14 Gorge Field Office of the Bureau of Land Manage-
15 ment, which comprise approximately 16,481 acres,
16 as generally depicted on a map titled ‘Table Moun-
17 tain & McIntyre Hills Proposed Wilderness’, dated
18 November 7, 2019, which shall be known as the
19 McIntyre Hills Wilderness.

20 “(27) Certain lands managed by the Colorado
21 River Valley Field Office of the Bureau of Land
22 Management, which comprise approximately 10,282
23 acres, as generally depicted on a map titled ‘Grand
24 Hogback Proposed Wilderness’, dated October 16,

1 2019, which shall be known as the Grand Hogback
2 Wilderness.

3 “(28) Certain lands managed by the Grand
4 Junction Field Office of the Bureau of Land Man-
5 agement, which comprise approximately 25,624
6 acres, as generally depicted on a map titled
7 ‘Demaree Canyon Proposed Wilderness’, dated Octo-
8 ber 9, 2019, which shall be known as the Demaree
9 Canyon Wilderness.

10 “(29) Certain lands managed by the Grand
11 Junction Field Office of the Bureau of Land Man-
12 agement, which comprise approximately 28,279
13 acres, as generally depicted on a map titled ‘Little
14 Books Cliff Proposed Wilderness’, dated October 9,
15 2019, which shall be known as the Little Bookcliffs
16 Wilderness.

17 “(30) Certain lands managed by the Colorado
18 River Valley Field Office of the Bureau of Land
19 Management, which comprise approximately 14,886
20 acres, as generally depicted on a map titled ‘Bull
21 Gulch & Castle Peak Proposed Wilderness’, dated
22 January 29, 2020, which shall be known as the Bull
23 Gulch Wilderness.

24 “(31) Certain lands managed by the Colorado
25 River Valley Field Office of the Bureau of Land

1 Management, which comprise approximately 12,016
2 acres, as generally depicted on a map titled ‘Bull
3 Gulch & Castle Peak Proposed Wilderness Areas’,
4 dated January 29, 2020, which shall be known as
5 the Castle Peak Wilderness.”.

6 (b) FURTHER ADDITIONS.—The following lands in
7 the State of Colorado administered by the Bureau of Land
8 Management or the United States Forest Service are here-
9 by designated as wilderness and, therefore, as components
10 of the National Wilderness Preservation System:

11 (1) Certain lands managed by the Colorado
12 River Valley Field Office of the Bureau of Land
13 Management or located in the White River National
14 Forest, which comprise approximately 19,240 acres,
15 as generally depicted on a map titled “Assignment
16 Ridge Proposed Wilderness”, dated November 12,
17 2019, which shall be known as the Assignment
18 Ridge Wilderness.

19 (2) Certain lands managed by the Royal Gorge
20 Field Office of the Bureau of Land Management or
21 located in the Pike and San Isabel National Forests,
22 which comprise approximately 23,116 acres, as gen-
23 erally depicted on a map titled “Badger Creek Pro-
24 posed Wilderness”, dated November 7, 2019, which
25 shall be known as the Badger Creek Wilderness.

1 (3) Certain lands managed by the Royal Gorge
2 Field Office of the Bureau of Land Management or
3 located in the Pike and San Isabel National Forests,
4 which comprise approximately 35,251 acres, as gen-
5 erally depicted on a map titled “Beaver Creek Pro-
6 posed Wilderness”, dated November 7, 2019, which
7 shall be known as the Beaver Creek Wilderness.

8 (4) Certain lands managed by the Royal Gorge
9 Field Office of the Bureau of Land Management or
10 the Bureau of Reclamation or located in the Pike
11 and San Isabel National Forests, which comprise ap-
12 proximately 32,884 acres, as generally depicted on a
13 map titled “Grape Creek Proposed Wilderness”,
14 dated November 7, 2019, which shall be known as
15 the Grape Creek Wilderness.

16 (5) Certain lands managed by the Grand Junc-
17 tion Field Office of the Bureau of Land Manage-
18 ment, which comprise approximately 13,351 acres,
19 as generally depicted on a map titled “North &
20 South Bangs Canyon Proposed Wilderness”, dated
21 October 9, 2019, which shall be known as the North
22 Bangs Canyon Wilderness.

23 (6) Certain lands managed by the Grand Junc-
24 tion Field Office of the Bureau of Land Manage-
25 ment, which comprise approximately 5,144 acres, as

1 generally depicted on a map titled “North & South
2 Bangs Canyon Proposed Wilderness”, dated October
3 9, 2019, which shall be known as the South Bangs
4 Canyon Wilderness.

5 (7) Certain lands managed by the Grand Junc-
6 tion Field Office of the Bureau of Land Manage-
7 ment, which comprise approximately 26,624 acres,
8 as generally depicted on a map titled “Unaweep &
9 Palisade Proposed Wilderness”, dated October 9,
10 2019, which shall be known as The Palisade Wilder-
11 ness.

12 (8) Certain lands managed by the Grand Junc-
13 tion Field Office of the Bureau of Land Manage-
14 ment or located in the Grand Mesa, Uncompaghre,
15 and Gunnison National Forests, which comprise ap-
16 proximately 19,776 acres, as generally depicted on a
17 map titled “Unaweep & Palisade Proposed Wilder-
18 ness”, dated October 9, 2019, which shall be known
19 as the Unaweep Wilderness.

20 (9) Certain lands managed by the Grand Junc-
21 tion Field Office of the Bureau of Land Manage-
22 ment and Uncompaghre Field Office of the Bureau
23 of Land Management and in the Manti-LaSal Na-
24 tional Forest, which comprise approximately 37,637
25 acres, as generally depicted on a map titled

1 “Sewemup Mesa Proposed Wilderness”, dated No-
2 vember 7, 2019, which shall be known as the
3 Sewemup Mesa Wilderness.

4 (10) Certain lands managed by the Kremmling
5 Field Office of the Bureau of Land Management,
6 which comprise approximately 31 acres, as generally
7 depicted on a map titled “Platte River Addition Pro-
8 posed Wilderness”, dated July 20, 2018, and which
9 are hereby incorporated in and shall be deemed to
10 be part of the Platte River Wilderness designated by
11 Public Law 98–550.

12 (11) Certain lands managed by the
13 Uncompahgre Field Office of the Bureau of Land
14 Management, which comprise approximately 17,587
15 acres, as generally depicted on a map titled
16 “Roubideau Proposed Wilderness”, dated October 9,
17 2019, which shall be known as the Roubideau Wil-
18 derness.

19 (12) Certain lands managed by the
20 Uncompahgre Field Office of the Bureau of Land
21 Management or located in the Grand Mesa,
22 Uncompahgre, and Gunnison National Forests,
23 which comprise approximately 12,102 acres, as gen-
24 erally depicted on a map titled “Norwood Canyon
25 Proposed Wilderness”, dated November 7, 2019,

1 which shall be known as the Norwood Canyon Wil-
2 derness.

3 (13) Certain lands managed by the Tres Rios
4 Field Office of the Bureau of Land Management,
5 which comprise approximately 24,475 acres, as gen-
6 erally depicted on a map titled “Papoose & Cross
7 Canyon Proposed Wilderness”, and dated January
8 29, 2020, which shall be known as the Cross Canyon
9 Wilderness.

10 (14) Certain lands managed by the Tres Rios
11 Field Office of the Bureau of Land Management,
12 which comprise approximately 21,220 acres, as gen-
13 erally depicted on a map titled “McKenna Peak Pro-
14 posed Wilderness”, dated October 16, 2019, which
15 shall be known as the McKenna Peak Wilderness.

16 (15) Certain lands managed by the Tres Rios
17 Field Office of the Bureau of Land Management,
18 which comprise approximately 14,270 acres, as gen-
19 erally depicted on a map titled “Weber-Menefee
20 Mountain Proposed Wilderness”, dated October 9,
21 2019, which shall be known as the Weber-Menefee
22 Mountain Wilderness.

23 (16) Certain lands managed by the
24 Uncompahgre and Tres Rios Field Offices of the
25 Bureau of Land Management or the Bureau of Rec-

1 lamation, which comprise approximately 33,351
2 acres, as generally depicted on a map titled “Dolores
3 River Canyon Proposed Wilderness”, dated Novem-
4 ber 7, 2019, which shall be known as the Dolores
5 River Canyon Wilderness.

6 (17) Certain lands managed by the Royal Gorge
7 Field Office of the Bureau of Land Management or
8 located in the Pike and San Isabel National Forests,
9 which comprise approximately 17,922 acres, as gen-
10 erally depicted on a map titled “Browns Canyon
11 Proposed Wilderness”, dated October 9, 2019, which
12 shall be known as the Browns Canyon Wilderness.

13 (18) Certain lands managed by the San Luis
14 Field Office of the Bureau of Land Management,
15 which comprise approximately 10,527 acres, as gen-
16 erally depicted on a map titled “San Luis Hills Pro-
17 posed Wilderness”, dated October 9, 2019 which
18 shall be known as the San Luis Hills Wilderness.

19 (19) Certain lands managed by the Royal Gorge
20 Field Office of the Bureau of Land Management,
21 which comprise approximately 23,559 acres, as gen-
22 erally depicted on a map titled “Table Mountain &
23 McIntyre Hills Proposed Wilderness”, dated Novem-
24 ber 7, 2019, which shall be known as the Table
25 Mountain Wilderness.

1 (20) Certain lands managed by the Tres Rios
2 Field Office of the Bureau of Land Management or
3 located in the San Juan National Forest, which
4 comprise approximately 10,844 acres, as generally
5 depicted on a map titled “North & South Ponderosa
6 Gorge Proposed Wilderness”, and dated January 31,
7 2020, which shall be known as the North Ponderosa
8 Gorge Wilderness.

9 (21) Certain lands managed by the Tres Rios
10 Field Office of the Bureau of Land Management or
11 located in the San Juan National Forest, which
12 comprise approximately 12,393 acres, as generally
13 depicted on a map titled “North & South Ponderosa
14 Gorge Proposed Wilderness”, and dated January 31,
15 2020 which shall be known as the South Ponderosa
16 Gorge Wilderness.

17 (22) Certain lands managed by the Little Snake
18 Field Office of the Bureau of Land Management
19 which comprise approximately 33,168 acres, as gen-
20 erally depicted on a map titled “Diamond Breaks
21 Proposed Wilderness”, and dated February 4, 2020
22 which shall be known as the Diamond Breaks Wil-
23 derness.

24 (23) Certain lands managed by the Tres Rios
25 Field Office of the Bureau of Land Management

1 which comprises approximately 4,782 acres, as gen-
2 erally depicted on the map titled “Papoose & Cross
3 Canyon Proposed Wilderness’ ”, and dated January
4 29, 2020 which shall be known as the Papoose Can-
5 yon Wilderness.

6 (c) WEST ELK ADDITION.—Certain lands in the
7 State of Colorado administered by the Gunnison Field Of-
8 fice of the Bureau of Land Management, the United
9 States National Park Service, and the Bureau of Reclama-
10 tion, which comprise approximately 6,695 acres, as gen-
11 erally depicted on a map titled “West Elk Addition Pro-
12 posed Wilderness”, dated October 9, 2019, are hereby des-
13 igned as wilderness and, therefore, as components of the
14 National Wilderness Preservation System and are hereby
15 incorporated in and shall be deemed to be a part of the
16 West Elk Wilderness designated by Public Law 88–577.
17 The boundary adjacent to Blue Mesa Reservoir shall be
18 50 feet landward from the water’s edge, and shall change
19 according to the water level.

20 (d) MAPS AND DESCRIPTIONS.—As soon as prac-
21 ticable after the date of enactment of the Act, the Sec-
22 retary shall file a map and a boundary description of each
23 area designated as wilderness by this section with the
24 Committee on Natural Resources of the House of Rep-
25 resentatives and the Committee on Energy and Natural

1 Resources of the Senate. Each map and boundary descrip-
2 tion shall have the same force and effect as if included
3 in this subtitle, except that the Secretary may correct cler-
4 ical and typographical errors in the map or boundary de-
5 scription. The maps and boundary descriptions shall be
6 on file and available for public inspection in the Office of
7 the Director of the Bureau of Land Management, Depart-
8 ment of the Interior, and in the Office of the Chief of
9 the Forest Service, Department of Agriculture, as appro-
10 priate.

11 (e) STATE AND PRIVATE LANDS.—Lands within the
12 exterior boundaries of any wilderness area designated
13 under this section that are owned by a private entity or
14 by the State of Colorado, including lands administered by
15 the Colorado State Land Board, shall be included within
16 such wilderness area if such lands are acquired by the
17 United States. Such lands may be acquired by the United
18 States only as provided in the Wilderness Act (16 U.S.C.
19 1131 et seq.).

20 **SEC. 5503. ADMINISTRATIVE PROVISIONS.**

21 (a) IN GENERAL.—Subject to valid existing rights,
22 lands designated as wilderness by this subtitle shall be
23 managed by the Secretary in accordance with the Wilder-
24 ness Act (16 U.S.C. 1131 et seq.) and this subtitle, except
25 that, with respect to any wilderness areas designated by

1 this subtitle, any reference in the Wilderness Act to the
2 effective date of the Wilderness Act shall be deemed to
3 be a reference to the date of enactment of this subtitle.

4 (b) GRAZING.—Grazing of livestock in wilderness
5 areas designated by this subtitle shall be administered in
6 accordance with the provisions of section 4(d)(4) of the
7 Wilderness Act (16 U.S.C. 1133(d)(4)), as further inter-
8 preted by section 108 of Public Law 96–560, and the
9 guidelines set forth in appendix A of House Report 101–
10 405 of the 101st Congress.

11 (c) STATE JURISDICTION.—As provided in section
12 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
13 nothing in this subtitle shall be construed as affecting the
14 jurisdiction or responsibilities of the State of Colorado
15 with respect to wildlife and fish in Colorado.

16 (d) BUFFER ZONES.—

17 (1) IN GENERAL.—Nothing in this subtitle cre-
18 ates a protective perimeter or buffer zone around
19 any area designated as wilderness by this subtitle.

20 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
21 fact that an activity or use on land outside the areas
22 designated as wilderness by this subtitle can be seen
23 or heard within the wilderness shall not preclude the
24 activity or use outside the boundary of the wilder-
25 ness.

1 (e) MILITARY HELICOPTER OVERFLIGHTS AND OP-
2 ERATIONS.—

3 (1) IN GENERAL.—Nothing in this subtitle re-
4 stricts or precludes—

5 (A) low-level overflights of military heli-
6 copters over the areas designated as wilderness
7 by this subtitle, including military overflights
8 that can be seen or heard within any wilderness
9 area;

10 (B) military flight testing and evaluation;

11 (C) the designation or creation of new
12 units of special use airspace, or the establish-
13 ment of military flight training routes over any
14 wilderness area; or

15 (D) helicopter operations at designated
16 landing zones within the potential wilderness
17 areas established by subsection (i)(1).

18 (2) AERIAL NAVIGATION TRAINING EXER-
19 CISES.—The Colorado Army National Guard,
20 through the High-Altitude Army National Guard
21 Aviation Training Site, may conduct aerial naviga-
22 tion training maneuver exercises over, and associ-
23 ated operations within, the potential wilderness
24 areas designated by this subtitle—

1 (A) in a manner and degree consistent
2 with the memorandum of understanding dated
3 August 4, 1987, entered into among the Colo-
4 rado Army National Guard, the Bureau of
5 Land Management, and the Forest Service; or

6 (B) in a manner consistent with any subse-
7 quent memorandum of understanding entered
8 into among the Colorado Army National Guard,
9 the Bureau of Land Management, and the For-
10 est Service.

11 (f) RUNNING EVENTS.—The Secretary may continue
12 to authorize competitive running events currently per-
13 mitted in the Redcloud Peak Wilderness Area and
14 Handies Peak Wilderness Area in a manner compatible
15 with the preservation of such areas as wilderness.

16 (g) LAND TRADES.—If the Secretary trades privately
17 owned land within the perimeter of the Redcloud Peak
18 Wilderness Area or the Handies Peak Wilderness Area in
19 exchange for Federal land, then such Federal land shall
20 be located in Hinsdale County, Colorado.

21 (h) RECREATIONAL CLIMBING.—Nothing in this sub-
22 title prohibits recreational rock climbing activities in the
23 wilderness areas, such as the placement, use, and mainte-
24 nance of fixed anchors, including any fixed anchor estab-
25 lished before the date of the enactment of this subtitle—

1 (1) in accordance with the Wilderness Act (16
2 U.S.C. 1131 et seq.); and

3 (2) subject to any terms and conditions deter-
4 mined to be necessary by the Secretary.

5 (i) POTENTIAL WILDERNESS DESIGNATIONS.—

6 (1) IN GENERAL.—The following lands are des-
7 ignated as potential wilderness areas:

8 (A) Certain lands managed by the Colo-
9 rado River Valley Field Office of the Bureau of
10 Land Management, which comprise approxi-
11 mately 7,376 acres, as generally depicted on a
12 map titled “Pisgah East & West Proposed Wil-
13 derness” and dated October 16, 2019, which,
14 upon designation as wilderness under para-
15 graph (2), shall be known as the Pisgah East
16 Wilderness.

17 (B) Certain lands managed by the Colo-
18 rado River Valley Field Office of the Bureau of
19 Land Management, which comprise approxi-
20 mately 6,828 acres, as generally depicted on a
21 map titled “Pisgah East & West Proposed Wil-
22 derness” and dated October 16, 2019, which,
23 upon designation as wilderness under para-
24 graph (2), shall be known as the Pisgah West
25 Wilderness.

1 (C) Certain lands managed by the Colo-
2 rado River Valley Field Office of the Bureau of
3 Land Management or located in the White
4 River National Forest, which comprise approxi-
5 mately 16,101 acres, as generally depicted on a
6 map titled “Flat Tops Proposed Wilderness Ad-
7 dition”, dated October 9, 2019, and which,
8 upon designation as wilderness under para-
9 graph (2), shall be incorporated in and shall be
10 deemed to be a part of the Flat Tops Wilder-
11 ness designated by Public Law 94–146.

12 (2) DESIGNATION AS WILDERNESS.—Lands
13 designated as a potential wilderness area by sub-
14 paragraphs (A) through (C) of paragraph (1) shall
15 be designated as wilderness on the date on which the
16 Secretary publishes in the Federal Register a notice
17 that all nonconforming uses of those lands author-
18 ized by subsection (e) in the potential wilderness
19 area that would be in violation of the Wilderness Act
20 (16 U.S.C. 1131 et seq.) have ceased. Such publica-
21 tion in the Federal Register and designation as wil-
22 derness shall occur for the potential wilderness area
23 as the nonconforming uses cease in that potential
24 wilderness area and designation as wilderness is not

1 dependent on cessation of nonconforming uses in the
2 other potential wilderness area.

3 (3) MANAGEMENT.—Except for activities pro-
4 vided for under subsection (e), lands designated as
5 a potential wilderness area by paragraph (1) shall be
6 managed by the Secretary in accordance with the
7 Wilderness Act as wilderness pending the designa-
8 tion of such lands as wilderness under this sub-
9 section.

10 **SEC. 5504. WATER.**

11 (a) EFFECT ON WATER RIGHTS.—Nothing in this
12 subtitle—

13 (1) affects the use or allocation, in existence on
14 the date of enactment of this subtitle, of any water,
15 water right, or interest in water;

16 (2) affects any vested absolute or decreed condi-
17 tional water right in existence on the date of enact-
18 ment of this subtitle, including any water right held
19 by the United States;

20 (3) affects any interstate water compact in ex-
21 istence on the date of enactment of this subtitle;

22 (4) authorizes or imposes any new reserved
23 Federal water rights; and

24 (5) shall be considered to be a relinquishment
25 or reduction of any water rights reserved or appro-

1 priated by the United States in the State of Colo-
2 rado on or before the date of the enactment of this
3 subtitle.

4 (b) MIDSTREAM AREAS.—

5 (1) PURPOSE.—The purpose of this subsection
6 is to protect for the benefit and enjoyment of
7 present and future generations—

8 (A) the unique and nationally important
9 values of areas designated as wilderness by sec-
10 tion 102(b) (including the geological, cultural,
11 archaeological, paleontological, natural, sci-
12 entific, recreational, environmental, biological,
13 wilderness, wildlife, riparian, historical, edu-
14 cational, and scenic resources of the public
15 land); and

16 (B) the water resources of area streams,
17 based on seasonally available flows, that are
18 necessary to support aquatic, riparian, and ter-
19 restrial species and communities.

20 (2) WILDERNESS WATER RIGHTS.—

21 (A) IN GENERAL.—The Secretary shall en-
22 sure that any water rights within the wilderness
23 designated by section 102(b) required to fulfill
24 the purposes of such wilderness are secured in

1 accordance with subparagraphs (B) through
2 (G).

3 (B) STATE LAW.—

4 (i) PROCEDURAL REQUIREMENTS.—

5 Any water rights for which the Secretary
6 pursues adjudication shall be appropriated,
7 adjudicated, changed, and administered in
8 accordance with the procedural require-
9 ments and priority system of State law.

10 (ii) ESTABLISHMENT OF WATER
11 RIGHTS.—

12 (I) IN GENERAL.—Except as pro-
13 vided in subclause (II), the purposes
14 and other substantive characteristics
15 of the water rights pursued under this
16 paragraph shall be established in ac-
17 cordance with State law.

18 (II) EXCEPTION.—Notwith-
19 standing subclause (I) and in accord-
20 ance with this subtitle, the Secretary
21 may appropriate and seek adjudica-
22 tion of water rights to maintain sur-
23 face water levels and stream flows on
24 and across the wilderness designated

1 by section 102(b) to fulfill the pur-
2 poses of such wilderness.

3 (C) DEADLINE.—The Secretary shall
4 promptly appropriate the water rights required
5 to fulfill the purposes of the wilderness des-
6 ignated by section 102(b).

7 (D) REQUIRED DETERMINATION.—The
8 Secretary shall not pursue adjudication for any
9 instream flow water rights unless the Secretary
10 makes a determination pursuant to subpara-
11 graph (E)(ii) or (F).

12 (E) COOPERATIVE ENFORCEMENT.—

13 (i) IN GENERAL.—The Secretary shall
14 not pursue adjudication of any Federal
15 instream flow water rights established
16 under this paragraph if—

17 (I) the Secretary determines,
18 upon adjudication of the water rights
19 by the Colorado Water Conservation
20 Board, that the Board holds water
21 rights sufficient in priority, amount,
22 and timing to fulfill the purposes of
23 this subsection; and

24 (II) the Secretary has entered
25 into a perpetual agreement with the

1 Colorado Water Conservation Board
2 to ensure full exercise, protection, and
3 enforcement of the State water rights
4 within the wilderness to reliably fulfill
5 the purposes of this subsection.

6 (ii) ADJUDICATION.—If the Secretary
7 determines that the provisions of clause (i)
8 have not been met, the Secretary shall ad-
9 judicate and exercise any Federal water
10 rights required to fulfill the purposes of
11 the wilderness in accordance with this
12 paragraph.

13 (F) INSUFFICIENT WATER RIGHTS.—If the
14 Colorado Water Conservation Board modifies
15 the instream flow water rights obtained under
16 subparagraph (E) to such a degree that the
17 Secretary determines that water rights held by
18 the State are insufficient to fulfill the purposes
19 of this subtitle, the Secretary shall adjudicate
20 and exercise Federal water rights required to
21 fulfill the purposes of this subtitle in accordance
22 with subparagraph (B).

23 (G) FAILURE TO COMPLY.—The Secretary
24 shall promptly act to exercise and enforce the

1 water rights described in subparagraph (E) if
2 the Secretary determines that—

3 (i) the State is not exercising its
4 water rights consistent with subparagraph
5 (E)(i)(I); or

6 (ii) the agreement described in sub-
7 paragraph (E)(i)(II) is not fulfilled or com-
8 plied with sufficiently to fulfill the pur-
9 poses of this subtitle.

10 (3) WATER RESOURCE FACILITY.—Notwith-
11 standing any other provision of law, beginning on
12 the date of enactment of this subtitle, neither the
13 President nor any other officer, employee, or agent
14 of the United States shall fund, assist, authorize, or
15 issue a license or permit for development of any new
16 irrigation and pumping facility, reservoir, water con-
17 servation work, aqueduct, canal, ditch, pipeline, well,
18 hydropower project, transmission, other ancillary fa-
19 cility, or other water, diversion, storage, or carriage
20 structure in the wilderness designated by section
21 102(b).

22 (c) ACCESS AND OPERATION.—

23 (1) DEFINITION.—As used in this subsection,
24 the term “water resource facility” means irrigation
25 and pumping facilities, reservoirs, water conserva-

1 tion works, aqueducts, canals, ditches, pipelines,
2 wells, hydropower projects, transmission and other
3 ancillary facilities, and other water diversion, stor-
4 age, and carriage structures.

5 (2) ACCESS TO WATER RESOURCE FACILI-
6 TIES.—Subject to the provisions of this subsection,
7 the Secretary shall allow reasonable access to water
8 resource facilities in existence on the date of enact-
9 ment of this subtitle within the areas described in
10 sections 102(b) and 102(c), including motorized ac-
11 cess where necessary and customarily employed on
12 routes existing as of the date of enactment of this
13 subtitle.

14 (3) ACCESS ROUTES.—Existing access routes
15 within such areas customarily employed as of the
16 date of enactment of this subtitle may be used,
17 maintained, repaired, and replaced to the extent nec-
18 essary to maintain their present function, design,
19 and serviceable operation, so long as such activities
20 have no increased adverse impacts on the resources
21 and values of the areas described in sections 102(b)
22 and 102(c) than existed as of the date of enactment
23 of this subtitle.

24 (4) USE OF WATER RESOURCE FACILITIES.—
25 Subject to the provisions of this subsection and sub-

1 section (a)(4), the Secretary shall allow water re-
2 source facilities existing on the date of enactment of
3 this subtitle within areas described in sections
4 102(b) and 102(c) to be used, operated, maintained,
5 repaired, and replaced to the extent necessary for
6 the continued exercise, in accordance with Colorado
7 State law, of vested water rights adjudicated for use
8 in connection with such facilities by a court of com-
9 petent jurisdiction prior to the date of enactment of
10 this subtitle. The impact of an existing facility on
11 the water resources and values of the area shall not
12 be increased as a result of changes in the adju-
13 dicated type of use of such facility as of the date of
14 enactment of this subtitle.

15 (5) REPAIR AND MAINTENANCE.—Water re-
16 source facilities, and access routes serving such fa-
17 cilities, existing within the areas described in sec-
18 tions 102(b) and 102(c) on the date of enactment of
19 this subtitle shall be maintained and repaired when
20 and to the extent necessary to prevent increased ad-
21 verse impacts on the resources and values of the
22 areas described in sections 102(b) and 102(c).

23 **SEC. 5505. SENSE OF CONGRESS.**

24 It is the sense of Congress that military aviation
25 training on Federal public lands in Colorado, including the

1 training conducted at the High-Altitude Army National
2 Guard Aviation Training Site, is critical to the national
3 security of the United States and the readiness of the
4 Armed Forces.

5 **SEC. 5506. DEPARTMENT OF DEFENSE STUDY ON IMPACTS**
6 **THAT THE EXPANSION OF WILDERNESS DES-**
7 **IGNATIONS IN THE WESTERN UNITED STATES**
8 **WOULD HAVE ON THE READINESS OF THE**
9 **ARMED FORCES OF THE UNITED STATES**
10 **WITH RESPECT TO AVIATION TRAINING.**

11 (a) **STUDY REQUIRED.**—The Secretary of Defense
12 shall conduct a study on the impacts that the expansion
13 of wilderness designations in the Western United States
14 would have on the readiness of the Armed Forces of the
15 United States with respect to aviation training.

16 (b) **REPORT.**—Not later than 180 days after the date
17 of the enactment of this subtitle, the Secretary shall sub-
18 mit to the Committees on Armed Services of the Senate
19 and House of Representatives a report on the study re-
20 quired under subsection (a).

21 **Subtitle B—Northwest California**
22 **Wilderness, Recreation, and**
23 **Working Forests**

24 **SEC. 5510. DEFINITIONS.**

25 In this subtitle:

1 (1) SECRETARY.—The term “Secretary”
2 means—

3 (A) with respect to land under the jurisdic-
4 tion of the Secretary of Agriculture, the Sec-
5 retary of Agriculture; and

6 (B) with respect to land under the jurisdic-
7 tion of the Secretary of the Interior, the Sec-
8 retary of the Interior.

9 (2) STATE.—The term “State” means the State
10 of California.

11 **PART 1—RESTORATION AND ECONOMIC**
12 **DEVELOPMENT**

13 **SEC. 5511. SOUTH FORK TRINITY-MAD RIVER RESTORATION**
14 **AREA.**

15 (a) DEFINITIONS.—In this section:

16 (1) COLLABORATIVELY DEVELOPED.—The term
17 “collaboratively developed” means projects that are
18 developed and implemented through a collaborative
19 process that—

20 (A) includes—

21 (i) appropriate Federal, State, and
22 local agencies; and

23 (ii) multiple interested persons rep-
24 resenting diverse interests; and

25 (B) is transparent and nonexclusive.

1 (2) PLANTATION.—The term “plantation”
2 means a forested area that has been artificially es-
3 tablished by planting or seeding.

4 (3) RESTORATION.—The term “restoration”
5 means the process of assisting the recovery of an
6 ecosystem that has been degraded, damaged, or de-
7 stroyed by establishing the composition, structure,
8 pattern, and ecological processes necessary to facili-
9 tate terrestrial and aquatic ecosystem sustainability,
10 resilience, and health under current and future con-
11 ditions.

12 (4) RESTORATION AREA.—The term “restora-
13 tion area” means the South Fork Trinity-Mad River
14 Restoration Area, established by subsection (b).

15 (5) SHADED FUEL BREAK.—The term “shaded
16 fuel break” means a vegetation treatment that effec-
17 tively addresses all project-generated slash and that
18 retains: adequate canopy cover to suppress plant re-
19 growth in the forest understory following treatment;
20 the longest lived trees that provide the most shade
21 over the longest period of time; the healthiest and
22 most vigorous trees with the greatest potential for
23 crown-growth in plantations and in natural stands
24 adjacent to plantations; and all mature hardwoods,
25 when practicable.

1 (6) STEWARDSHIP CONTRACT.—The term
2 “stewardship contract” means an agreement or con-
3 tract entered into under section 604 of the Healthy
4 Forests Restoration Act of 2003 (16 U.S.C. 6591c).

5 (7) WILDLAND-URBAN INTERFACE.—The term
6 “wildland-urban interface” has the meaning given
7 the term by section 101 of the Healthy Forests Res-
8 toration Act of 2003 (16 U.S.C. 6511).

9 (b) ESTABLISHMENT.—Subject to valid existing
10 rights, there is established the South Fork Trinity-Mad
11 River Restoration Area, comprising approximately
12 871,414 acres of Federal land administered by the Forest
13 Service and Bureau of Land Management, as generally de-
14 picted on the map entitled “South Fork Trinity-Mad River
15 Restoration Area” and dated May 15, 2020, to be known
16 as the South Fork Trinity-Mad River Restoration Area.

17 (c) PURPOSES.—The purposes of the restoration area
18 are to—

19 (1) establish, restore, and maintain fire-resilient
20 forest structures containing late successional forest
21 structure characterized by large trees and multisto-
22 ried canopies, as ecologically appropriate;

23 (2) protect late successional reserves;

24 (3) enhance the restoration of Federal lands
25 within the restoration area;

1 (4) reduce the threat posed by wildfires to com-
2 munities within the restoration area;

3 (5) protect and restore aquatic habitat and
4 anadromous fisheries;

5 (6) protect the quality of water within the res-
6 toration area; and

7 (7) allow visitors to enjoy the scenic, rec-
8 reational, natural, cultural, and wildlife values of the
9 restoration area.

10 (d) MANAGEMENT.—

11 (1) IN GENERAL.—The Secretary shall manage
12 the restoration area—

13 (A) in a manner consistent with the pur-
14 poses described in subsection (c);

15 (B) in a manner that—

16 (i) in the case of the Forest Service,
17 prioritizes restoration of the restoration
18 area over other nonemergency vegetation
19 management projects on the portions of
20 the Six Rivers and Shasta-Trinity National
21 Forests in Humboldt and Trinity Counties;
22 and

23 (ii) in the case of the United States
24 Fish and Wildlife Service, establishes with
25 the Forest Service an agreement for co-

1 operation to ensure timely completion of
2 consultation required by section 7 of the
3 Endangered Species Act (15 U.S.C. 1536)
4 on restoration projects within the restora-
5 tion area and agreement to maintain and
6 exchange information on planning sched-
7 ules and priorities on a regular basis;

8 (C) in accordance with—

9 (i) the laws (including regulations)
10 and rules applicable to the National Forest
11 System for land managed by the Forest
12 Service;

13 (ii) the Federal Land Policy and Man-
14 agement Act of 1976 (43 U.S.C. 1701 et
15 seq.) for land managed by the Bureau of
16 Land Management;

17 (iii) this subtitle; and

18 (iv) any other applicable law (includ-
19 ing regulations); and

20 (D) in a manner consistent with congres-
21 sional intent that consultation for restoration
22 projects within the restoration area is com-
23 pleted in a timely and efficient manner.

24 (2) CONFLICT OF LAWS.—

1 (A) IN GENERAL.—The establishment of
2 the restoration area shall not change the man-
3 agement status of any land or water that is
4 designated wilderness or as a wild and scenic
5 river, including lands and waters designated by
6 this subtitle.

7 (B) RESOLUTION OF CONFLICT.—If there
8 is a conflict between the laws applicable to the
9 areas described in subparagraph (A) and this
10 section, the more restrictive provision shall con-
11 trol.

12 (3) USES.—

13 (A) IN GENERAL.—The Secretary shall
14 only allow uses of the restoration area that the
15 Secretary determines would further the pur-
16 poses described in subsection (c).

17 (B) PRIORITY.—The Secretary shall
18 prioritize restoration activities within the res-
19 toration area.

20 (C) LIMITATION.—Nothing in this section
21 shall limit the Secretary’s ability to plan, ap-
22 prove, or prioritize activities outside of the res-
23 toration area.

24 (4) WILDLAND FIRE.—

1 (A) IN GENERAL.—Nothing in this section
2 prohibits the Secretary, in cooperation with
3 other Federal, State, and local agencies, as ap-
4 propriate, from conducting wildland fire oper-
5 ations in the restoration area, consistent with
6 the purposes of this section.

7 (B) PRIORITY.—The Secretary may use
8 prescribed burning and managed wildland fire
9 to the fullest extent practicable to achieve the
10 purposes of this section.

11 (5) ROAD DECOMMISSIONING.—

12 (A) IN GENERAL.—To the extent prac-
13 ticable, the Secretary shall decommission
14 unneeded National Forest System roads identi-
15 fied for decommissioning and unauthorized
16 roads identified for decommissioning within the
17 restoration area—

- 18 (i) subject to appropriations;
- 19 (ii) consistent with the analysis re-
20 quired by subparts A and B of part 212 of
21 title 36, Code of Federal Regulations; and
22 (iii) in accordance with existing law.

23 (B) ADDITIONAL REQUIREMENT.—In mak-
24 ing determinations regarding road decommis-

1 sioning under subparagraph (A), the Secretary
2 shall consult with—

3 (i) appropriate State, Tribal, and local
4 governmental entities; and

5 (ii) members of the public.

6 (C) DEFINITION.—As used in subpara-
7 graph (A), the term “decommission” means—

8 (i) to reestablish vegetation on a road;
9 and

10 (ii) to restore any natural drainage,
11 watershed function, or other ecological
12 processes that are disrupted or adversely
13 impacted by the road by removing or
14 hydrologically disconnecting the road
15 prism.

16 (6) VEGETATION MANAGEMENT.—

17 (A) IN GENERAL.—Subject to subpara-
18 graphs (B), (C), and (D), the Secretary may
19 conduct vegetation management projects in the
20 restoration area only where necessary to—

21 (i) maintain or restore the character-
22 istics of ecosystem composition and struc-
23 ture;

1 (ii) reduce wildfire risk to commu-
2 nities by promoting forests that are fire re-
3 silient;

4 (iii) improve the habitat of threatened,
5 endangered, or sensitive species;

6 (iv) protect or improve water quality;

7 or

8 (v) enhance the restoration of lands
9 within the restoration area.

10 (B) ADDITIONAL REQUIREMENTS.—

11 (i) SHADED FUEL BREAKS.—In car-
12 rying out subparagraph (A), the Secretary
13 shall prioritize, as practicable, the estab-
14 lishment of a network of shaded fuel
15 breaks within—

16 (I) the portions of the wildland-
17 urban interface that are within 150
18 feet from private property contiguous
19 to Federal land;

20 (II) 150 feet from any road that
21 is open to motorized vehicles as of the
22 date of enactment of this subtitle—

23 (aa) except that, where to-
24 pography or other conditions re-
25 quire, the Secretary may estab-

1 lish shaded fuel breaks up to 275
2 feet from a road so long as the
3 combined total width of the
4 shaded fuel breaks for both sides
5 of the road does not exceed 300
6 feet; and

7 (bb) provided that the Sec-
8 retary shall include vegetation
9 treatments within a minimum of
10 25 feet of the road where prac-
11 ticable, feasible, and appropriate
12 as part of any shaded fuel break;
13 or

14 (III) 150 feet of any plantation.

15 (ii) PLANTATIONS; RIPARIAN RE-
16 SERVES.—The Secretary may undertake
17 vegetation management projects—

18 (I) in areas within the restora-
19 tion area in which fish and wildlife
20 habitat is significantly compromised
21 as a result of past management prac-
22 tices (including plantations); and

23 (II) within designated riparian
24 reserves only where necessary to

1 maintain the integrity of fuel breaks
2 and to enhance fire resilience.

3 (C) COMPLIANCE.—The Secretary shall
4 carry out vegetation management projects with-
5 in the restoration area—

6 (i) in accordance with—

7 (I) this section; and

8 (II) existing law (including regu-
9 lations);

10 (ii) after providing an opportunity for
11 public comment; and

12 (iii) subject to appropriations.

13 (D) BEST AVAILABLE SCIENCE.—The Sec-
14 retary shall use the best available science in
15 planning and implementing vegetation manage-
16 ment projects within the restoration area.

17 (7) GRAZING.—

18 (A) EXISTING GRAZING.—The grazing of
19 livestock in the restoration area, where estab-
20 lished before the date of enactment of this sub-
21 title, shall be permitted to continue—

22 (i) subject to—

23 (I) such reasonable regulations,
24 policies, and practices as the Sec-
25 retary considers necessary; and

1 (II) applicable law (including reg-
2 ulations); and

3 (ii) in a manner consistent with the
4 purposes described in subsection (c).

5 (B) TARGETED NEW GRAZING.—The Sec-
6 retary may issue annual targeted grazing per-
7 mits for the grazing of livestock in the restora-
8 tion area, where not established before the date
9 of the enactment of this subtitle, to control nox-
10 ious weeds, aid in the control of wildfire within
11 the wildland-urban interface, or to provide other
12 ecological benefits subject to—

13 (i) such reasonable regulations, poli-
14 cies, and practices as the Secretary con-
15 siders necessary; and

16 (ii) a manner consistent with the pur-
17 poses described in subsection (c).

18 (C) BEST AVAILABLE SCIENCE.—The Sec-
19 retary shall use the best available science when
20 determining whether to issue targeted grazing
21 permits within the restoration area.

22 (e) WITHDRAWAL.—Subject to valid existing rights,
23 the restoration area is withdrawn from—

24 (1) all forms of entry, appropriation, and dis-
25 posal under the public land laws;

1 (2) location, entry, and patent under the mining
2 laws; and

3 (3) disposition under all laws relating to min-
4 eral and geothermal leasing or mineral materials.

5 (f) USE OF STEWARDSHIP CONTRACTS.—To the
6 maximum extent practicable, the Secretary shall—

7 (1) use stewardship contracts to implement this
8 section; and

9 (2) use revenue derived from such stewardship
10 contracts for restoration and other activities within
11 the restoration area which shall include staff and ad-
12 ministrative costs to support timely consultation ac-
13 tivities for restoration projects.

14 (g) COLLABORATION.—In developing and imple-
15 menting restoration projects in the restoration area, the
16 Secretary shall consult with collaborative groups with an
17 interest in the restoration area.

18 (h) ENVIRONMENTAL REVIEW.—A collaboratively de-
19 veloped restoration project within the restoration area may
20 be carried out in accordance with the provisions for haz-
21 ardous fuel reduction projects set forth in sections 104,
22 105, and 106 of the Healthy Forests Restoration Act of
23 2003 (16 U.S.C. 6514–6516), as applicable.

24 (i) MULTIPARTY MONITORING.—The Secretary of
25 Agriculture shall—

1 (1) in collaboration with the Secretary of the
2 Interior and interested persons, use a multiparty
3 monitoring, evaluation, and accountability process to
4 assess the positive or negative ecological, social, and
5 economic effects of restoration projects within the
6 restoration area; and

7 (2) incorporate the monitoring results into the
8 management of the restoration area.

9 (j) FUNDING.—The Secretary shall use all existing
10 authorities to secure as much funding as necessary to ful-
11 fill the purposes of the restoration area.

12 (k) FOREST RESIDUES UTILIZATION.—

13 (1) IN GENERAL.—In accordance with applica-
14 ble law, including regulations, and this section, the
15 Secretary may utilize forest residues from restora-
16 tion projects, including shaded fuel breaks, in the
17 restoration area for research and development of
18 biobased products that result in net carbon seques-
19 tration.

20 (2) PARTNERSHIPS.—In carrying out para-
21 graph (1), the Secretary may enter into partnerships
22 with universities, nongovernmental organizations, in-
23 dustry, Tribes, and Federal, State, and local govern-
24 mental agencies.

1 **SEC. 5512. REDWOOD NATIONAL AND STATE PARKS RES-**
2 **TORATION.**

3 (a) PARTNERSHIP AGREEMENTS.—The Secretary of
4 the Interior is authorized to undertake initiatives to re-
5 store degraded redwood forest ecosystems in Redwood Na-
6 tional and State Parks in partnership with the State of
7 California, local agencies, and nongovernmental organiza-
8 tions.

9 (b) COMPLIANCE.—In carrying out any initiative au-
10 thorized by subsection (a), the Secretary of the Interior
11 shall comply with all applicable law.

12 **SEC. 5513. CALIFORNIA PUBLIC LANDS REMEDIATION**
13 **PARTNERSHIP.**

14 (a) DEFINITIONS.—In this section:

15 (1) PARTNERSHIP.—The term “partnership”
16 means the California Public Lands Remediation
17 Partnership, established by subsection (b).

18 (2) PRIORITY LANDS.—The term “priority
19 lands” means Federal land within the State that is
20 determined by the partnership to be a high priority
21 for remediation.

22 (3) REMEDIATION.—The term “remediation”
23 means to facilitate the recovery of lands and waters
24 that have been degraded, damaged, or destroyed by
25 illegal marijuana cultivation or another illegal activ-
26 ity. Remediation includes but is not limited to re-

1 removal of trash, debris, and other material, and es-
2 tablishing the composition, structure, pattern, and
3 ecological processes necessary to facilitate terrestrial
4 and aquatic ecosystem sustainability, resilience, and
5 health under current and future conditions.

6 (b) ESTABLISHMENT.—There is hereby established a
7 California Public Lands Remediation Partnership.

8 (c) PURPOSES.—The purposes of the partnership are
9 to—

10 (1) coordinate the activities of Federal, State,
11 Tribal, and local authorities, and the private sector,
12 in the remediation of priority lands in the State af-
13 fected by illegal marijuana cultivation or other illegal
14 activities; and

15 (2) use the resources and expertise of each
16 agency, authority, or entity in implementing remedi-
17 ation activities on priority lands in the State.

18 (d) MEMBERSHIP.—The members of the partnership
19 shall include the following:

20 (1) The Secretary of Agriculture, or a designee
21 of the Secretary of Agriculture to represent the For-
22 est Service.

23 (2) The Secretary of the Interior, or a designee
24 of the Secretary of the Interior, to represent the

1 United States Fish and Wildlife Service, Bureau of
2 Land Management, and National Park Service.

3 (3) The Director of the Office of National Drug
4 Control Policy, or a designee of the Director.

5 (4) The Secretary of the State Natural Re-
6 sources Agency, or a designee of the Secretary, to
7 represent the California Department of Fish and
8 Wildlife.

9 (5) A designee of the California State Water
10 Resources Control Board.

11 (6) A designee of the California State Sheriffs'
12 Association.

13 (7) One member to represent federally recog-
14 nized Indian Tribes, to be appointed by the Sec-
15 retary of Agriculture.

16 (8) One member to represent nongovernmental
17 organizations with an interest in Federal land reme-
18 diation, to be appointed by the Secretary of Agri-
19 culture.

20 (9) One member to represent local govern-
21 mental interests, to be appointed by the Secretary of
22 Agriculture.

23 (10) A law enforcement official from each of
24 the following:

25 (A) The Department of the Interior.

1 (B) The Department of Agriculture.

2 (11) A scientist to provide expertise and advise
3 on methods needed for remediation efforts, to be ap-
4 pointed by the Secretary of Agriculture.

5 (12) A designee of the National Guard Counter
6 Drug Program.

7 (e) DUTIES.—To further the purposes of this section,
8 the partnership shall—

9 (1) identify priority lands for remediation in the
10 State;

11 (2) secure resources from Federal and non-Fed-
12 eral sources to apply to remediation of priority lands
13 in the State;

14 (3) support efforts by Federal, State, Tribal,
15 and local agencies, and nongovernmental organiza-
16 tions in carrying out remediation of priority lands in
17 the State;

18 (4) support research and education on the im-
19 pacts of, and solutions to, illegal marijuana cultiva-
20 tion and other illegal activities on priority lands in
21 the State;

22 (5) involve other Federal, State, Tribal, and
23 local agencies, nongovernmental organizations, and
24 the public in remediation efforts, to the extent prac-
25 ticable; and

1 (6) take any other administrative or advisory
2 actions as necessary to address remediation of pri-
3 ority lands in the State.

4 (f) AUTHORITIES.—To implement this section, the
5 partnership may, subject to the prior approval of the Sec-
6 retary of Agriculture—

7 (1) make grants to the State, political subdivi-
8 sions of the State, nonprofit organizations, and
9 other persons;

10 (2) enter into cooperative agreements with, or
11 provide grants or technical assistance to, the State,
12 political subdivisions of the State, nonprofit organi-
13 zations, Federal agencies, and other interested par-
14 ties;

15 (3) hire and compensate staff;

16 (4) obtain funds or services from any source,
17 including Federal and non-Federal funds, and funds
18 and services provided under any other Federal law
19 or program;

20 (5) contract for goods or services; and

21 (6) support activities of partners and any other
22 activities that further the purposes of this section.

23 (g) PROCEDURES.—The partnership shall establish
24 such rules and procedures as it deems necessary or desir-
25 able.

1 (h) LOCAL HIRING.—The partnership shall, to the
2 maximum extent practicable and in accordance with exist-
3 ing law, give preference to local entities and persons when
4 carrying out this section.

5 (i) SERVICE WITHOUT COMPENSATION.—Members of
6 the partnership shall serve without pay.

7 (j) DUTIES AND AUTHORITIES OF THE SECRETARY
8 OF AGRICULTURE.—

9 (1) IN GENERAL.—The Secretary of Agriculture
10 shall convene the partnership on a regular basis to
11 carry out this section.

12 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—
13 The Secretary of Agriculture and Secretary of the
14 Interior may provide technical and financial assist-
15 ance, on a reimbursable or nonreimbursable basis, as
16 determined by the appropriate Secretary, to the
17 partnership or any members of the partnership to
18 carry out this subtitle.

19 (3) COOPERATIVE AGREEMENTS.—The Sec-
20 retary of Agriculture and Secretary of the Interior
21 may enter into cooperative agreements with the
22 partnership, any members of the partnership, or
23 other public or private entities to provide technical,
24 financial, or other assistance to carry out this sub-
25 title.

1 **SEC. 5514. TRINITY LAKE VISITOR CENTER.**

2 (a) IN GENERAL.—The Secretary of Agriculture, act-
3 ing through the Chief of the Forest Service, may establish,
4 in cooperation with any other public or private entities
5 that the Secretary may determine to be appropriate, a vis-
6 itor center in Weaverville, California—

7 (1) to serve visitors; and

8 (2) to assist in fulfilling the purposes of the
9 Whiskeytown-Shasta-Trinity National Recreation
10 Area.

11 (b) REQUIREMENTS.—The Secretary shall ensure
12 that the visitor center authorized under subsection (a) is
13 designed to interpret the scenic, biological, natural, histor-
14 ical, scientific, paleontological, recreational, ecological, wil-
15 derness, and cultural resources of the Whiskeytown-Shas-
16 ta-Trinity National Recreation Area and other nearby
17 Federal lands.

18 (c) COOPERATIVE AGREEMENTS.—The Secretary of
19 Agriculture may, in a manner consistent with this subtitle,
20 enter into cooperative agreements with the State and any
21 other appropriate institutions and organizations to carry
22 out the purposes of this section.

23 **SEC. 5515. DEL NORTE COUNTY VISITOR CENTER.**

24 (a) IN GENERAL.—The Secretary of Agriculture and
25 Secretary of the Interior, acting jointly or separately, may
26 establish, in cooperation with any other public or private

1 entities that the Secretaries determine to be appropriate,
2 a visitor center in Del Norte County, California—

3 (1) to serve visitors; and

4 (2) to assist in fulfilling the purposes of Red-
5 wood National and State Parks, the Smith River
6 National Recreation Area, and other nearby Federal
7 lands.

8 (b) REQUIREMENTS.—The Secretaries shall ensure
9 that the visitor center authorized under subsection (a) is
10 designed to interpret the scenic, biological, natural, histor-
11 ical, scientific, paleontological, recreational, ecological, wil-
12 derness, and cultural resources of Redwood National and
13 State Parks, the Smith River National Recreation Area,
14 and other nearby Federal lands.

15 **SEC. 5516. MANAGEMENT PLANS.**

16 (a) IN GENERAL.—In revising the land and resource
17 management plan for the Shasta-Trinity, Six Rivers,
18 Klamath, and Mendocino National Forests, the Secretary
19 shall—

20 (1) consider the purposes of the South Fork
21 Trinity-Mad River Restoration Area established by
22 section 211; and

23 (2) include or update the fire management plan
24 for the wilderness areas and wilderness additions es-
25 tablished by this subtitle.

1 (b) REQUIREMENT.—In carrying out the revisions re-
2 quired by subsection (a), the Secretary shall—

3 (1) develop spatial fire management plans in
4 accordance with—

5 (A) the Guidance for Implementation of
6 Federal Wildland Fire Management Policy
7 dated February 13, 2009, including any amend-
8 ments to that guidance; and

9 (B) other appropriate policies;

10 (2) ensure that a fire management plan—

11 (A) considers how prescribed or managed
12 fire can be used to achieve ecological manage-
13 ment objectives of wilderness and other natural
14 or primitive areas; and

15 (B) in the case of a wilderness area ex-
16 panded by section 231, provides consistent di-
17 rection regarding fire management to the entire
18 wilderness area, including the addition;

19 (3) consult with—

20 (A) appropriate State, Tribal, and local
21 governmental entities; and

22 (B) members of the public; and

23 (4) comply with applicable laws (including regu-
24 lations).

1 **SEC. 5517. STUDY; PARTNERSHIPS RELATED TO OVER-**
2 **NIGHT ACCOMMODATIONS.**

3 (a) **STUDY.**—The Secretary of the Interior, in con-
4 sultation with interested Federal, State, Tribal, and local
5 entities, and private and nonprofit organizations, shall
6 conduct a study to evaluate the feasibility and suitability
7 of establishing overnight accommodations near Redwood
8 National and State Parks on—

9 (1) Federal land at the northern boundary or
10 on land within 20 miles of the northern boundary;
11 and

12 (2) Federal land at the southern boundary or
13 on land within 20 miles of the southern boundary.

14 (b) **PARTNERSHIPS.**—

15 (1) **AGREEMENTS AUTHORIZED.**—If the study
16 conducted under subsection (a) determines that es-
17 tablishing the described accommodations is suitable
18 and feasible, the Secretary may enter into agree-
19 ments with qualified private and nonprofit organiza-
20 tions for the development, operation, and mainte-
21 nance of overnight accommodations.

22 (2) **CONTENTS.**—Any agreements entered into
23 under paragraph (1) shall clearly define the role and
24 responsibility of the Secretary and the private or
25 nonprofit organization.

1 (3) COMPLIANCE.—The Secretary shall enter
2 agreements under paragraph (1) in accordance with
3 existing law.

4 (4) EFFECT.—Nothing in this subsection—

5 (A) reduces or diminishes the authority of
6 the Secretary to manage land and resources
7 under the jurisdiction of the Secretary; or

8 (B) amends or modifies the application of
9 any existing law (including regulations) applica-
10 ble to land under the jurisdiction of the Sec-
11 retary.

12 **PART 2—RECREATION**

13 **SEC. 5521. HORSE MOUNTAIN SPECIAL MANAGEMENT**
14 **AREA.**

15 (a) ESTABLISHMENT.—Subject to valid existing
16 rights, there is established the Horse Mountain Special
17 Management Area (referred to in this section as the “spe-
18 cial management area”) comprising approximately 7,482
19 acres of Federal land administered by the Forest Service
20 in Humboldt County, California, as generally depicted on
21 the map entitled “Horse Mountain Special Management
22 Area” and dated May 15, 2020.

23 (b) PURPOSES.—The purpose of the special manage-
24 ment area is to enhance the recreational and scenic values
25 of the special management area while conserving the

1 plants, wildlife, and other natural resource values of the
2 area.

3 (c) MANAGEMENT PLAN.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this subtitle and in accord-
6 ance with paragraph (2), the Secretary shall develop
7 a comprehensive plan for the long-term management
8 of the special management area.

9 (2) CONSULTATION.—In developing the man-
10 agement plan required under paragraph (1), the
11 Secretary shall consult with—

12 (A) appropriate State, Tribal, and local
13 governmental entities; and

14 (B) members of the public.

15 (3) ADDITIONAL REQUIREMENT.—The manage-
16 ment plan required under paragraph (1) shall ensure
17 that recreational use within the special management
18 area does not cause significant adverse impacts on
19 the plants and wildlife of the special management
20 area.

21 (d) MANAGEMENT.—

22 (1) IN GENERAL.—The Secretary shall manage
23 the special management area—

24 (A) in furtherance of the purposes de-
25 scribed in subsection (b); and

1 (B) in accordance with—

2 (i) the laws (including regulations)
3 generally applicable to the National Forest
4 System;

5 (ii) this section; and

6 (iii) any other applicable law (includ-
7 ing regulations).

8 (2) RECREATION.—The Secretary shall con-
9 tinue to authorize, maintain, and enhance the rec-
10 reational use of the special management area, in-
11 cluding hunting, fishing, camping, hiking, hang glid-
12 ing, sightseeing, nature study, horseback riding,
13 rafting, mountain biking, and motorized recreation
14 on authorized routes, and other recreational activi-
15 ties, so long as such recreational use is consistent
16 with the purposes of the special management area,
17 this section, other applicable law (including regula-
18 tions), and applicable management plans.

19 (3) MOTORIZED VEHICLES.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the use of motorized vehicles
22 in the special management area shall be per-
23 mitted only on roads and trails designated for
24 the use of motorized vehicles.

1 (B) USE OF SNOWMOBILES.—The winter
2 use of snowmobiles shall be allowed in the spe-
3 cial management area—

4 (i) during periods of adequate snow
5 coverage during the winter season; and

6 (ii) subject to any terms and condi-
7 tions determined to be necessary by the
8 Secretary.

9 (4) NEW TRAILS.—

10 (A) IN GENERAL.—The Secretary may
11 construct new trails for motorized or non-
12 motorized recreation within the special manage-
13 ment area in accordance with—

14 (i) the laws (including regulations)
15 generally applicable to the National Forest
16 System;

17 (ii) this section; and

18 (iii) any other applicable law (includ-
19 ing regulations).

20 (B) PRIORITY.—In establishing new trails
21 within the special management area, the Sec-
22 retary shall—

23 (i) prioritize the establishment of
24 loops that provide high-quality, diverse rec-
25 reational experiences; and

1 (ii) consult with members of the pub-
2 lie.

3 (e) WITHDRAWAL.—Subject to valid existing rights,
4 the special management area is withdrawn from—

5 (1) all forms of appropriation or disposal under
6 the public land laws;

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) disposition under laws relating to mineral
10 and geothermal leasing.

11 **SEC. 5522. BIGFOOT NATIONAL RECREATION TRAIL.**

12 (a) FEASIBILITY STUDY.—

13 (1) IN GENERAL.—Not later than 3 years after
14 the date of the enactment of this subtitle, the Sec-
15 retary of Agriculture, in cooperation with the Sec-
16 retary of the Interior, shall submit to the Committee
17 on Natural Resources of the House of Representa-
18 tives and Committee on Energy and Natural Re-
19 sources of the Senate a study that describes the fea-
20 sibility of establishing a nonmotorized Bigfoot Na-
21 tional Recreation Trail that follows the route de-
22 scribed in paragraph (2).

23 (2) ROUTE.—The trail described in paragraph
24 (1) shall extend from the Ides Cove Trailhead in the
25 Mendocino National Forest to Crescent City, Cali-

1 fornia, by roughly following the route as generally
2 depicted on the map entitled “Bigfoot National
3 Recreation Trail—Proposed” and dated July 25,
4 2018.

5 (3) ADDITIONAL REQUIREMENT.—In com-
6 pleting the study required by subsection (a), the Sec-
7 retary of Agriculture shall consult with—

8 (A) appropriate Federal, State, Tribal, re-
9 gional, and local agencies;

10 (B) private landowners;

11 (C) nongovernmental organizations; and

12 (D) members of the public.

13 (b) DESIGNATION.—

14 (1) IN GENERAL.—Upon a determination that
15 the Bigfoot National Recreation Trail is feasible and
16 meets the requirements for a National Recreation
17 Trail in section 1243 of title 16, United States
18 Code, the Secretary of Agriculture shall designate
19 the Bigfoot National Recreation Trail in accordance
20 with—

21 (A) the National Trails System Act (Public
22 Law 90–543);

23 (B) this subtitle; and

24 (C) other applicable law (including regula-
25 tions).

1 (2) ADMINISTRATION.—Upon designation by
2 the Secretary of Agriculture, the Bigfoot National
3 Recreation Trail (referred to in this section as the
4 “trail”) shall be administered by the Secretary of
5 Agriculture, in consultation with—

6 (A) other Federal, State, Tribal, regional,
7 and local agencies;

8 (B) private landowners; and

9 (C) other interested organizations.

10 (3) PRIVATE PROPERTY RIGHTS.—

11 (A) IN GENERAL.—No portions of the trail
12 may be located on non-Federal land without the
13 written consent of the landowner.

14 (B) PROHIBITION.—The Secretary of Agri-
15 culture shall not acquire for the trail any land
16 or interest in land outside the exterior boundary
17 of any federally managed area without the con-
18 sent of the owner of the land or interest in the
19 land.

20 (C) EFFECT.—Nothing in this section—

21 (i) requires any private property
22 owner to allow public access (including
23 Federal, State, or local government access)
24 to private property; or

1 (ii) modifies any provision of Federal,
2 State, or local law with respect to public
3 access to or use of private land.

4 (c) COOPERATIVE AGREEMENTS.—In carrying out
5 this section, the Secretary of Agriculture may enter into
6 cooperative agreements with State, Tribal, and local gov-
7 ernment entities and private entities to complete needed
8 trail construction, reconstruction, realignment, mainte-
9 nance, or education projects related to the Bigfoot Na-
10 tional Recreation Trail.

11 (d) MAP.—

12 (1) MAP REQUIRED.—Upon designation of the
13 Bigfoot National Recreation Trail, the Secretary of
14 Agriculture shall prepare a map of the trail.

15 (2) PUBLIC AVAILABILITY.—The map referred
16 to in paragraph (1) shall be on file and available for
17 public inspection in the appropriate offices of the
18 Forest Service.

19 **SEC. 5523. ELK CAMP RIDGE RECREATION TRAIL.**

20 (a) DESIGNATION.—

21 (1) IN GENERAL.—In accordance with para-
22 graph (2), the Secretary of Agriculture after an op-
23 portunity for public comment, shall designate a trail
24 (which may include a system of trails)—

1 (A) for use by off-highway vehicles or
2 mountain bicycles, or both; and

3 (B) to be known as the Elk Camp Ridge
4 Recreation Trail.

5 (2) REQUIREMENTS.—In designating the Elk
6 Camp Ridge Recreation Trail (referred to in this
7 section as the “trail”), the Secretary shall only in-
8 clude trails that are—

9 (A) as of the date of enactment of this
10 subtitle, authorized for use by off-highway vehi-
11 cles or mountain bikes, or both; and

12 (B) located on land that is managed by the
13 Forest Service in Del Norte County.

14 (3) MAP.—A map that depicts the trail shall be
15 on file and available for public inspection in the ap-
16 propriate offices of the Forest Service.

17 (b) MANAGEMENT.—

18 (1) IN GENERAL.—The Secretary shall manage
19 the trail—

20 (A) in accordance with applicable laws (in-
21 cluding regulations);

22 (B) to ensure the safety of citizens who
23 use the trail; and

1 (C) in a manner by which to minimize any
2 damage to sensitive habitat or cultural re-
3 sources.

4 (2) MONITORING; EVALUATION.—To minimize
5 the impacts of the use of the trail on environmental
6 and cultural resources, the Secretary shall annually
7 assess the effects of the use of off-highway vehicles
8 and mountain bicycles on—

9 (A) the trail;

10 (B) land located in proximity to the trail;

11 and

12 (C) plants, wildlife, and wildlife habitat.

13 (3) CLOSURE.—The Secretary, in consultation
14 with the State and Del Norte County, and subject
15 to paragraph (4), may temporarily close or perma-
16 nently reroute a portion of the trail if the Secretary
17 determines that—

18 (A) the trail is having an adverse impact
19 on—

20 (i) wildlife habitats;

21 (ii) natural resources;

22 (iii) cultural resources; or

23 (iv) traditional uses;

24 (B) the trail threatens public safety; or

25 (C) closure of the trail is necessary—

- 1 (i) to repair damage to the trail; or
2 (ii) to repair resource damage.

3 (4) REROUTING.—Any portion of the trail that
4 is temporarily closed by the Secretary under para-
5 graph (3) may be permanently rerouted along any
6 road or trail—

7 (A) that is—

8 (i) in existence as of the date of the
9 closure of the portion of the trail;

10 (ii) located on public land; and

11 (iii) open to motorized or mechanized
12 use; and

13 (B) if the Secretary determines that re-
14 routing the portion of the trail would not sig-
15 nificantly increase or decrease the length of the
16 trail.

17 (5) NOTICE OF AVAILABLE ROUTES.—The Sec-
18 retary shall ensure that visitors to the trail have ac-
19 cess to adequate notice relating to the availability of
20 trail routes through—

21 (A) the placement of appropriate signage
22 along the trail; and

23 (B) the distribution of maps, safety edu-
24 cation materials, and other information that the

1 Secretary concerned determines to be appro-
2 priate.

3 (c) EFFECT.—Nothing in this section affects the
4 ownership, management, or other rights relating to any
5 non-Federal land (including any interest in any non-Fed-
6 eral land).

7 **SEC. 5524. TRINITY LAKE TRAIL.**

8 (a) TRAIL CONSTRUCTION.—

9 (1) FEASIBILITY STUDY.—Not later than 18
10 months after the date of enactment of this subtitle,
11 the Secretary shall study the feasibility and public
12 interest of constructing a recreational trail for non-
13 motorized uses around Trinity Lake.

14 (2) CONSTRUCTION.—

15 (A) CONSTRUCTION AUTHORIZED.—Sub-
16 ject to appropriations, and in accordance with
17 paragraph (3), if the Secretary determines
18 under paragraph (1) that the construction of
19 the trail described in such paragraph is feasible
20 and in the public interest, the Secretary may
21 provide for the construction of the trail.

22 (B) USE OF VOLUNTEER SERVICES AND
23 CONTRIBUTIONS.—The trail may be constructed
24 under this section through the acceptance of
25 volunteer services and contributions from non-

1 Federal sources to reduce or eliminate the need
2 for Federal expenditures to construct the trail.

3 (3) COMPLIANCE.—In carrying out this section,
4 the Secretary shall comply with—

5 (A) the laws (including regulations) gen-
6 erally applicable to the National Forest System;
7 and

8 (B) this subtitle.

9 (b) EFFECT.—Nothing in this section affects the
10 ownership, management, or other rights relating to any
11 non-Federal land (including any interest in any non-Fed-
12 eral land).

13 **SEC. 5525. TRAILS STUDY.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of enactment of this subtitle, the Secretary of Agri-
16 culture, in accordance with subsection (b) and in consulta-
17 tion with interested parties, shall conduct a study to im-
18 prove motorized and nonmotorized recreation trail oppor-
19 tunities (including mountain bicycling) on land not des-
20 igned as wilderness within the portions of the Six Rivers,
21 Shasta-Trinity, and Mendocino National Forests located
22 in Del Norte, Humboldt, Trinity, and Mendocino Coun-
23 ties.

24 (b) CONSULTATION.—In carrying out the study re-
25 quired by subsection (a), the Secretary of Agriculture shall

1 consult with the Secretary of the Interior regarding oppor-
2 tunities to improve, through increased coordination, recre-
3 ation trail opportunities on land under the jurisdiction of
4 the Secretary of the Interior that shares a boundary with
5 the national forest land described in subsection (a).

6 **SEC. 5526. CONSTRUCTION OF MOUNTAIN BICYCLING**
7 **ROUTES.**

8 (a) TRAIL CONSTRUCTION.—

9 (1) FEASIBILITY STUDY.—Not later than 18
10 months after the date of enactment of this subtitle,
11 the Secretary of Agriculture shall study the feasi-
12 bility and public interest of constructing recreational
13 trails for mountain bicycling and other nonmotorized
14 uses on the routes as generally depicted in the re-
15 port entitled “Trail Study for Smith River National
16 Recreation Area Six Rivers National Forest” and
17 dated 2016.

18 (2) CONSTRUCTION.—

19 (A) CONSTRUCTION AUTHORIZED.—Sub-
20 ject to appropriations, and in accordance with
21 paragraph (3), if the Secretary determines
22 under paragraph (1) that the construction of
23 one or more routes described in such paragraph
24 is feasible and in the public interest, the Sec-

1 retary may provide for the construction of the
2 routes.

3 (B) MODIFICATIONS.—The Secretary may
4 modify the routes as necessary in the opinion of
5 the Secretary.

6 (C) USE OF VOLUNTEER SERVICES AND
7 CONTRIBUTIONS.—Routes may be constructed
8 under this section through the acceptance of
9 volunteer services and contributions from non-
10 Federal sources to reduce or eliminate the need
11 for Federal expenditures to construct the route.

12 (3) COMPLIANCE.—In carrying out this section,
13 the Secretary shall comply with—

14 (A) the laws (including regulations) gen-
15 erally applicable to the National Forest System;
16 and

17 (B) this subtitle.

18 (b) EFFECT.—Nothing in this section affects the
19 ownership, management, or other rights relating to any
20 non-Federal land (including any interest in any non-Fed-
21 eral land).

22 **SEC. 5527. PARTNERSHIPS.**

23 (a) AGREEMENTS AUTHORIZED.—The Secretary is
24 authorized to enter into agreements with qualified private
25 and nonprofit organizations to undertake the following ac-

1 tivities on Federal lands in Mendocino, Humboldt, Trinity,
2 and Del Norte Counties—

3 (1) trail and campground maintenance;

4 (2) public education, visitor contacts, and out-
5 reach; and

6 (3) visitor center staffing.

7 (b) CONTENTS.—Any agreements entered into under
8 subsection (a) shall clearly define the role and responsi-
9 bility of the Secretary and the private or nonprofit organi-
10 zation.

11 (c) COMPLIANCE.—The Secretary shall enter into
12 agreements under subsection (a) in accordance with exist-
13 ing law.

14 (d) EFFECT.—Nothing in this section—

15 (1) reduces or diminishes the authority of the
16 Secretary to manage land and resources under the
17 jurisdiction of the Secretary; or

18 (2) amends or modifies the application of any
19 existing law (including regulations) applicable to
20 land under the jurisdiction of the Secretary.

21 **PART 3—CONSERVATION**

22 **SEC. 5531. DESIGNATION OF WILDERNESS.**

23 (a) IN GENERAL.—In accordance with the Wilderness
24 Act (16 U.S.C. 1131 et seq.), the following areas in the

1 State are designated as wilderness areas and as compo-
2 nents of the National Wilderness Preservation System:

3 (1) BLACK BUTTE RIVER WILDERNESS.—Cer-
4 tain Federal land managed by the Forest Service in
5 the State, comprising approximately 11,155 acres,
6 as generally depicted on the map entitled “Black
7 Butte Wilderness—Proposed” and dated May 15,
8 2020, which shall be known as the Black Butte
9 River Wilderness.

10 (2) CHANCELULLA WILDERNESS ADDI-
11 TIONS.—Certain Federal land managed by the For-
12 est Service in the State, comprising approximately
13 6,382 acres, as generally depicted on the map enti-
14 tled “Chancelulla Wilderness Additions—Proposed”
15 and dated May 15, 2020, which is incorporated in,
16 and considered to be a part of, the Chancelulla Wil-
17 derness, as designated by section 101(a)(4) of the
18 California Wilderness Act of 1984 (16 U.S.C. 1132
19 note; 98 Stat. 1619).

20 (3) CHINQUAPIN WILDERNESS.—Certain Fed-
21 eral land managed by the Forest Service in the
22 State, comprising approximately 27,164 acres, as
23 generally depicted on the map entitled “Chinquapin
24 Wilderness—Proposed” and dated May 15, 2020,
25 which shall be known as the Chinquapin Wilderness.

1 (4) ELKHORN RIDGE WILDERNESS ADDITION.—
2 Certain Federal land managed by the Bureau of
3 Land Management in the State, comprising approxi-
4 mately 37 acres, as generally depicted on the map
5 entitled “Proposed Elkhorn Ridge Wilderness Addi-
6 tions” and dated October 24, 2019, which is incor-
7 porated in, and considered to be a part of, the Elk-
8 horn Ridge Wilderness, as designated by section
9 6(d) of Public Law 109–362 (16 U.S.C. 1132 note;
10 120 Stat. 2070).

11 (5) ENGLISH RIDGE WILDERNESS.—Certain
12 Federal land managed by the Bureau of Land Man-
13 agement in the State, comprising approximately
14 6,204 acres, as generally depicted on the map enti-
15 tled “English Ridge Wilderness—Proposed” and
16 dated March 29, 2019, which shall be known as the
17 English Ridge Wilderness.

18 (6) HEADWATERS FOREST WILDERNESS.—Cer-
19 tain Federal land managed by the Bureau of Land
20 Management in the State, comprising approximately
21 4,360 acres, as generally depicted on the map enti-
22 tled “Headwaters Forest Wilderness—Proposed”
23 and dated October 15, 2019, which shall be known
24 as the Headwaters Forest Wilderness.

1 (7) MAD RIVER BUTTES WILDERNESS.—Certain
2 Federal land managed by the Forest Service in the
3 State, comprising approximately 6,097 acres, as gen-
4 erally depicted on the map entitled “Mad River
5 Buttes Wilderness—Proposed” and dated May 15,
6 2020, which shall be known as the Mad River
7 Buttes Wilderness.

8 (8) MOUNT LASSIC WILDERNESS ADDITION.—
9 Certain Federal land managed by the Forest Service
10 in the State, comprising approximately 1,288 acres,
11 as generally depicted on the map entitled “Mt.
12 Lassic Wilderness Additions—Proposed” and dated
13 May 15, 2020, which is incorporated in, and consid-
14 ered to be a part of, the Mount Lassic Wilderness,
15 as designated by section 3(6) of Public Law 109–
16 362 (16 U.S.C. 1132 note; 120 Stat. 2065).

17 (9) NORTH FORK EEL WILDERNESS ADDI-
18 TION.—Certain Federal land managed by the Forest
19 Service and the Bureau of Land Management in the
20 State, comprising approximately 16,342 acres, as
21 generally depicted on the map entitled “North Fork
22 Eel Wilderness Additions” and dated May 15, 2020,
23 which is incorporated in, and considered to be a part
24 of, the North Fork Eel Wilderness, as designated by

1 section 101(a)(19) of the California Wilderness Act
2 of 1984 (16 U.S.C. 1132 note; 98 Stat. 1621).

3 (10) PATTISON WILDERNESS.—Certain Federal
4 land managed by the Forest Service in the State,
5 comprising approximately 29,451 acres, as generally
6 depicted on the map entitled “Pattison Wilderness—
7 Proposed” and dated May 15, 2020, which shall be
8 known as the Pattison Wilderness.

9 (11) SANHEDRIN WILDERNESS ADDITION.—
10 Certain Federal land managed by the Forest Service
11 in the State, comprising approximately 112 acres, as
12 generally depicted on the map entitled “Sanhedrin
13 Wilderness Addition—Proposed” and dated March
14 29, 2019, which is incorporated in, and considered
15 to be a part of, the Sanhedrin Wilderness, as des-
16 ignated by section 3(2) of Public Law 109–362 (16
17 U.S.C. 1132 note; 120 Stat. 2065).

18 (12) SISKIYOU WILDERNESS ADDITION.—Cer-
19 tain Federal land managed by the Forest Service in
20 the State, comprising approximately 23,913 acres,
21 as generally depicted on the maps entitled “Siskiyou
22 Wilderness Additions—Proposed (North)” and
23 “Siskiyou Wilderness Additions—Proposed (South)”
24 and dated May 15, 2020, which is incorporated in,
25 and considered to be a part of, the Siskiyou Wilder-

1 ness, as designated by section 101(a)(30) of the
2 California Wilderness Act of 1984 (16 U.S.C. 1132
3 note; 98 Stat. 1623) (as amended by section 3(5) of
4 Public Law 109–362 (16 U.S.C. 1132 note; 120
5 Stat. 2065)).

6 (13) SOUTH FORK EEL RIVER WILDERNESS AD-
7 DITION.—Certain Federal land managed by the Bu-
8 reau of Land Management in the State, comprising
9 approximately 603 acres, as generally depicted on
10 the map entitled “South Fork Eel River Wilderness
11 Additions—Proposed” and dated October 24, 2019,
12 which is incorporated in, and considered to be a part
13 of, the South Fork Eel River Wilderness, as des-
14 ignated by section 3(10) of Public Law 109–362 (16
15 U.S.C. 1132 note; 120 Stat. 2066).

16 (14) SOUTH FORK TRINITY RIVER WILDER-
17 NESS.—Certain Federal land managed by the Forest
18 Service in the State, comprising approximately
19 26,115 acres, as generally depicted on the map enti-
20 tled “South Fork Trinity River Wilderness Addi-
21 tions—Proposed” and dated May 15, 2020, which
22 shall be known as the South Fork Trinity River Wil-
23 derness.

24 (15) TRINITY ALPS WILDERNESS ADDITION.—
25 Certain Federal land managed by the Forest Service

1 in the State, comprising approximately 61,187 acres,
2 as generally depicted on the maps entitled “Trinity
3 Alps Proposed Wilderness Additions EAST” and
4 “Trinity Alps Wilderness Additions West—Pro-
5 posed” and dated May 15, 2020, which is incor-
6 porated in, and considered to be a part of, the Trin-
7 ity Alps Wilderness, as designated by section
8 101(a)(34) of the California Wilderness Act of 1984
9 (16 U.S.C. 1132 note; 98 Stat. 1623) (as amended
10 by section 3(7) of Public Law 109–362 (16 U.S.C.
11 1132 note; 120 Stat. 2065)).

12 (16) UNDERWOOD WILDERNESS.—Certain Fed-
13 eral land managed by the Forest Service in the
14 State, comprising approximately 15,068 acres, as
15 generally depicted on the map entitled “Underwood
16 Wilderness—Proposed” and dated May 15, 2020,
17 which shall be known as the Underwood Wilderness.

18 (17) YOLLA BOLLY-MIDDLE EEL WILDERNESS
19 ADDITIONS.—Certain Federal land managed by the
20 Forest Service and the Bureau of Land Management
21 in the State, comprising approximately 11,243 acres,
22 as generally depicted on the maps entitled “Yolla
23 Bolly Wilderness Proposed—NORTH”, “Yolla Bolly
24 Wilderness Proposed—SOUTH”, and “Yolla Bolly
25 Wilderness Proposed—WEST” and dated May 15,

1 2020, which is incorporated in, and considered to be
2 a part of, the Yolla Bolly-Middle Eel Wilderness, as
3 designated by section 3 of the Wilderness Act (16
4 U.S.C. 1132) (as amended by section 3(4) of Public
5 Law 109–362 (16 U.S.C. 1132 note; 120 Stat.
6 2065)).

7 (18) YUKI WILDERNESS ADDITION.—Certain
8 Federal land managed by the Forest Service and the
9 Bureau of Land Management in the State, com-
10 prising approximately 11,076 acres, as generally de-
11 picted on the map entitled “Yuki Wilderness Addi-
12 tions—Proposed” and dated May 15, 2020, which is
13 incorporated in, and considered to be a part of, the
14 Yuki Wilderness, as designated by section 3(3) of
15 Public Law 109–362 (16 U.S.C. 1132 note; 120
16 Stat. 2065).

17 (b) REDESIGNATION OF NORTH FORK WILDERNESS
18 AS NORTH FORK EEL RIVER WILDERNESS.—Section
19 101(a)(19) of Public Law 98–425 (16 U.S.C. 1132 note;
20 98 Stat. 1621) is amended by striking “North Fork Wil-
21 derness” and inserting “North Fork Eel River Wilder-
22 ness”. Any reference in a law, map, regulation, document,
23 paper, or other record of the United States to the North
24 Fork Wilderness shall be deemed to be a reference to the
25 North Fork Eel River Wilderness.

1 (c) ELKHORN RIDGE WILDERNESS ADJUSTMENTS.—
2 The boundary of the Elkhorn Ridge Wilderness estab-
3 lished by section 6(d) of Public Law 109–362 (16 U.S.C.
4 1132 note) is adjusted by deleting approximately 30 acres
5 of Federal land as generally depicted on the map entitled
6 “Proposed Elkhorn Ridge Wilderness Additions” and
7 dated October 24, 2019.

8 **SEC. 5532. ADMINISTRATION OF WILDERNESS.**

9 (a) IN GENERAL.—Subject to valid existing rights,
10 the wilderness areas and wilderness additions established
11 by section 5531 shall be administered by the Secretary
12 in accordance with this subtitle and the Wilderness Act
13 (16 U.S.C. 1131 et seq.), except that—

14 (1) any reference in the Wilderness Act to the
15 effective date of that Act shall be considered to be
16 a reference to the date of enactment of this subtitle;
17 and

18 (2) any reference in that Act to the Secretary
19 of Agriculture shall be considered to be a reference
20 to the Secretary.

21 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
22 TIES.—

23 (1) IN GENERAL.—The Secretary may take
24 such measures in a wilderness area or wilderness ad-
25 dition designated by section 5531 as are necessary

1 for the control of fire, insects, and diseases in ac-
2 cordance with section 4(d)(1) of the Wilderness Act
3 (16 U.S.C. 1133(d)(1)) and House Report 98–40 of
4 the 98th Congress.

5 (2) FUNDING PRIORITIES.—Nothing in this
6 subtitle limits funding for fire and fuels manage-
7 ment in the wilderness areas or wilderness additions
8 designated by this subtitle.

9 (3) ADMINISTRATION.—Consistent with para-
10 graph (1) and other applicable Federal law, to en-
11 sure a timely and efficient response to fire emer-
12 gencies in the wilderness additions designated by
13 this subtitle, the Secretary of Agriculture shall—

14 (A) not later than 1 year after the date of
15 enactment of this subtitle, establish agency ap-
16 proval procedures (including appropriate delega-
17 tions of authority to the Forest Supervisor, Dis-
18 trict Manager, or other agency officials) for re-
19 sponding to fire emergencies; and

20 (B) enter into agreements with appropriate
21 State or local firefighting agencies.

22 (c) GRAZING.—The grazing of livestock in the wilder-
23 ness areas and wilderness additions designated by this
24 subtitle, if established before the date of enactment of this
25 subtitle, shall be administered in accordance with—

1 (1) section 4(d)(4) of the Wilderness Act (16
2 U.S.C. 1133(d)(4)); and

3 (2)(A) for lands under the jurisdiction of the
4 Secretary of Agriculture, the guidelines set forth in
5 the report of the Committee on Interior and Insular
6 Affairs of the House of Representatives accom-
7 panying H.R. 5487 of the 96th Congress (H. Rept.
8 96–617); or

9 (B) for lands under the jurisdiction of the Sec-
10 retary of the Interior, the guidelines set forth in Ap-
11 pendix A of the report of the Committee on Interior
12 and Insular Affairs of the House of Representatives
13 accompanying H.R. 2570 of the 101st Congress (H.
14 Rept. 101–405).

15 (d) FISH AND WILDLIFE.—

16 (1) IN GENERAL.—In accordance with section
17 4(d)(7) of the Wilderness Act (16 U.S.C.
18 1133(d)(7)), nothing in this subtitle affects the ju-
19 risdiction or responsibilities of the State with respect
20 to fish and wildlife on public land in the State.

21 (2) MANAGEMENT ACTIVITIES.—In furtherance
22 of the purposes and principles of the Wilderness Act
23 (16 U.S.C. 1131 et seq.), the Secretary may conduct
24 any management activities that are necessary to
25 maintain or restore fish, wildlife, and plant popu-

1 lations and habitats in the wilderness areas or wil-
2 derness additions designated by section 5531, if the
3 management activities are—

4 (A) consistent with relevant wilderness
5 management plans; and

6 (B) conducted in accordance with—

7 (i) the Wilderness Act (16 U.S.C.
8 1131 et seq.); and

9 (ii) appropriate policies, such as the
10 policies established in Appendix B of
11 House Report 101–405.

12 (e) BUFFER ZONES.—

13 (1) IN GENERAL.—Congress does not intend for
14 designation of wilderness or wilderness additions by
15 this subtitle to lead to the creation of protective pe-
16 rimeters or buffer zones around each wilderness area
17 or wilderness addition.

18 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

19 The fact that nonwilderness activities or uses can be
20 seen or heard from within a wilderness area shall
21 not, of itself, preclude the activities or uses up to the
22 boundary of the wilderness area.

23 (f) MILITARY ACTIVITIES.—Nothing in this subtitle
24 precludes—

1 (1) low-level overflights of military aircraft over
2 the wilderness areas or wilderness additions des-
3 ignated by section 5531;

4 (2) the designation of new units of special air-
5 space over the wilderness areas or wilderness addi-
6 tions designated by section 5531; or

7 (3) the use or establishment of military flight
8 training routes over the wilderness areas or wilder-
9 ness additions designated by section 5531.

10 (g) HORSES.—Nothing in this subtitle precludes
11 horseback riding in, or the entry of recreational or com-
12 mercial saddle or pack stock into, an area designated as
13 a wilderness area or wilderness addition by section 5531—

14 (1) in accordance with section 4(d)(5) of the
15 Wilderness Act (16 U.S.C. 1133(d)(5)); and

16 (2) subject to any terms and conditions deter-
17 mined to be necessary by the Secretary.

18 (h) WITHDRAWAL.—Subject to valid existing rights,
19 the wilderness areas and wilderness additions designated
20 by section 5531 are withdrawn from—

21 (1) all forms of entry, appropriation, and dis-
22 posal under the public land laws;

23 (2) location, entry, and patent under the mining
24 laws; and

1 (3) operation of the mineral materials and geo-
2 thermal leasing laws.

3 (i) USE BY MEMBERS OF INDIAN TRIBES.—

4 (1) ACCESS.—In recognition of the past use of
5 wilderness areas and wilderness additions designated
6 by this subtitle by members of Indian Tribes for tra-
7 ditional cultural and religious purposes, the Sec-
8 retary shall ensure that Indian Tribes have access to
9 the wilderness areas and wilderness additions des-
10 igned by section 5531 for traditional cultural and
11 religious purposes.

12 (2) TEMPORARY CLOSURES.—

13 (A) IN GENERAL.—In carrying out this
14 section, the Secretary, on request of an Indian
15 Tribe, may temporarily close to the general
16 public one or more specific portions of a wilder-
17 ness area or wilderness addition to protect the
18 privacy of the members of the Indian Tribe in
19 the conduct of the traditional cultural and reli-
20 gious activities in the wilderness area or wilder-
21 ness addition.

22 (B) REQUIREMENT.—Any closure under
23 subparagraph (A) shall be made in such a man-
24 ner as to affect the smallest practicable area for

1 the minimum period of time necessary for the
2 activity to be carried out.

3 (3) APPLICABLE LAW.—Access to the wilder-
4 ness areas and wilderness additions under this sub-
5 section shall be in accordance with—

6 (A) Public Law 95–341 (commonly known
7 as the American Indian Religious Freedom Act)
8 (42 U.S.C. 1996 et seq.); and

9 (B) the Wilderness Act (16 U.S.C. 1131 et
10 seq.).

11 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
12 ESTS.—Any land within the boundary of a wilderness area
13 or wilderness addition designated by section 5531 that is
14 acquired by the United States shall—

15 (1) become part of the wilderness area in which
16 the land is located;

17 (2) be withdrawn in accordance with subsection
18 (h); and

19 (3) be managed in accordance with this section,
20 the Wilderness Act (16 U.S.C. 1131 et seq.), and
21 any other applicable law.

22 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-
23 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
24 and subject to such terms and conditions as the Secretary
25 may prescribe, the Secretary may authorize the installa-

1 tion and maintenance of hydrologic, meteorologic, or cli-
2 matological collection devices in the wilderness areas and
3 wilderness additions designated by section 5531 if the Sec-
4 retary determines that the facilities and access to the fa-
5 cilities are essential to flood warning, flood control, or
6 water reservoir operation activities.

7 (l) **AUTHORIZED EVENTS.**—The Secretary may con-
8 tinue to authorize the competitive equestrian event per-
9 mitted since 2012 in the Chinquapin Wilderness estab-
10 lished by section 5531 in a manner compatible with the
11 preservation of the area as wilderness.

12 (m) **RECREATIONAL CLIMBING.**—Nothing in this
13 subtitle prohibits recreational rock climbing activities in
14 the wilderness areas, such as the placement, use, and
15 maintenance of fixed anchors, including any fixed anchor
16 established before the date of the enactment of this sub-
17 title—

18 (1) in accordance with the Wilderness Act (16
19 U.S.C. 1131 et seq.); and

20 (2) subject to any terms and conditions deter-
21 mined to be necessary by the Secretary.

22 **SEC. 5533. DESIGNATION OF POTENTIAL WILDERNESS.**

23 (a) **DESIGNATION.**—In furtherance of the purposes of
24 the Wilderness Act (16 U.S.C. 1131 et seq.), the following

1 areas in the State are designated as potential wilderness
2 areas:

3 (1) Certain Federal land managed by the For-
4 est Service, comprising approximately 4,005 acres,
5 as generally depicted on the map entitled “Chin-
6 quapin Proposed Potential Wilderness” and dated
7 May 15, 2020.

8 (2) Certain Federal land administered by the
9 National Park Service, comprising approximately
10 31,000 acres, as generally depicted on the map enti-
11 tled “Redwood National Park—Potential Wilder-
12 ness” and dated October 9, 2019.

13 (3) Certain Federal land managed by the For-
14 est Service, comprising approximately 5,681 acres,
15 as generally depicted on the map entitled “Siskiyou
16 Proposed Potential Wildernesses” and dated May
17 15, 2020.

18 (4) Certain Federal land managed by the For-
19 est Service, comprising approximately 446 acres, as
20 generally depicted on the map entitled “South Fork
21 Trinity River Proposed Potential Wilderness” and
22 dated May 15, 2020.

23 (5) Certain Federal land managed by the For-
24 est Service, comprising approximately 1,256 acres,
25 as generally depicted on the map entitled “Trinity

1 Alps Proposed Potential Wilderness” and dated May
2 15, 2020.

3 (6) Certain Federal land managed by the For-
4 est Service, comprising approximately 4,386 acres,
5 as generally depicted on the map entitled “Yolla
6 Bolly Middle-Eel Proposed Potential Wilderness”
7 and dated May 15, 2020.

8 (7) Certain Federal land managed by the For-
9 est Service, comprising approximately 2,918 acres,
10 as generally depicted on the map entitled “Yuki Pro-
11 posed Potential Wilderness” and dated May 15,
12 2020.

13 (b) MANAGEMENT.—Except as provided in subsection
14 (c) and subject to valid existing rights, the Secretary shall
15 manage the potential wilderness areas designated by sub-
16 section (a) (referred to in this section as “potential wilder-
17 ness areas”) as wilderness until the potential wilderness
18 areas are designated as wilderness under subsection (d).

19 (c) ECOLOGICAL RESTORATION.—

20 (1) IN GENERAL.—For purposes of ecological
21 restoration (including the elimination of nonnative
22 species, removal of illegal, unused, or decommis-
23 sioned roads, repair of skid tracks, and any other
24 activities necessary to restore the natural ecosystems
25 in a potential wilderness area and consistent with

1 paragraph (2)), the Secretary may use motorized
2 equipment and mechanized transport in a potential
3 wilderness area until the potential wilderness area is
4 designated as wilderness under subsection (d).

5 (2) LIMITATION.—To the maximum extent
6 practicable, the Secretary shall use the minimum
7 tool or administrative practice necessary to accom-
8 plish ecological restoration with the least amount of
9 adverse impact on wilderness character and re-
10 sources.

11 (d) EVENTUAL WILDERNESS DESIGNATION.—The
12 potential wilderness areas shall be designated as wilder-
13 ness and as a component of the National Wilderness Pres-
14 ervation System on the earlier of—

15 (1) the date on which the Secretary publishes in
16 the Federal Register notice that the conditions in a
17 potential wilderness area that are incompatible with
18 the Wilderness Act (16 U.S.C. 1131 et seq.) have
19 been removed; or

20 (2) the date that is 10 years after the date of
21 enactment of this subtitle for potential wilderness
22 areas located on lands managed by the Forest Serv-
23 ice.

24 (e) ADMINISTRATION AS WILDERNESS.—

1 (1) IN GENERAL.—On its designation as wilder-
2 ness under subsection (d), a potential wilderness
3 area shall be administered in accordance with sec-
4 tion 5532 and the Wilderness Act (16 U.S.C. 1131
5 et seq.).

6 (2) DESIGNATION.—On its designation as wil-
7 derness under subsection (d)—

8 (A) the land described in subsection (a)(1)
9 shall be incorporated in, and considered to be a
10 part of, the Chinquapin Wilderness established
11 by section 5531(a)(3);

12 (B) the land described in subsection (a)(3)
13 shall be incorporated in, and considered to be a
14 part of, the Siskiyou Wilderness as designated
15 by section 101(a)(30) of the California Wilder-
16 ness Act of 1984 (16 U.S.C. 1132 note; 98
17 Stat. 1623) (as amended by section 3(5) of
18 Public Law 109–362 (16 U.S.C. 1132 note;
19 120 Stat. 2065) and expanded by section
20 5531(a)(12));

21 (C) the land described in subsection (a)(4)
22 shall be incorporated in, and considered to be a
23 part of, the South Fork Trinity River Wilder-
24 ness established by section 5531(a)(14);

1 (D) the land described in subsection (a)(5)
2 shall be incorporated in, and considered to be a
3 part of, the Trinity Alps Wilderness as des-
4 ignated by section 101(a)(34) of the California
5 Wilderness Act of 1984 (16 U.S.C. 1132 note;
6 98 Stat. 1623) (as amended by section 3(7) of
7 Public Law 109–362 (16 U.S.C. 1132 note;
8 120 Stat. 2065) and expanded by section
9 5531(a)(15));

10 (E) the land described in subsection (a)(6)
11 shall be incorporated in, and considered to be a
12 part of, the Yolla Bolly-Middle Eel Wilderness
13 as designated by section 3 of the Wilderness
14 Act (16 U.S.C. 1132) (as amended by section
15 3(4) of Public Law 109–362 (16 U.S.C. 1132
16 note; 120 Stat. 2065) and expanded by section
17 5531(a)(17)); and

18 (F) the land described in subsection (a)(7)
19 shall be incorporated in, and considered to be a
20 part of, the Yuki Wilderness as designated by
21 section 3(3) of Public Law 109–362 (16 U.S.C.
22 1132 note; 120 Stat. 2065) and expanded by
23 section 5531(a)(18).

24 (f) REPORT.—Within 3 years after the date of enact-
25 ment of this subtitle, and every 3 years thereafter until

1 the date upon which the potential wilderness is designated
2 wilderness under subsection (d), the Secretary shall sub-
3 mit a report to the Committee on Natural Resources of
4 the House of Representatives and the Committee on En-
5 ergy and Natural Resources of the Senate on the status
6 of ecological restoration within the potential wilderness
7 area and the progress toward the potential wilderness
8 area's eventual wilderness designation under subsection
9 (d).

10 **SEC. 5534. DESIGNATION OF WILD AND SCENIC RIVERS.**

11 Section 3(a) of the National Wild and Scenic Rivers
12 Act (16 U.S.C. 1274(a)) is amended by adding at the end
13 the following:

14 “(231) SOUTH FORK TRINITY RIVER.—The fol-
15 lowing segments from the source tributaries in the
16 Yolla Bolly-Middle Eel Wilderness, to be adminis-
17 tered by the Secretary of Agriculture:

18 “(A) The 18.3-mile segment from its mul-
19 tiple source springs in the Cedar Basin of the
20 Yolla Bolly-Middle Eel Wilderness in section
21 15, T. 27 N., R. 10 W. to .25 miles upstream
22 of the Wild Mad Road, as a wild river.

23 “(B) The .65-mile segment from .25 miles
24 upstream of Wild Mad Road to the confluence
25 with the unnamed tributary approximately .4

1 miles downstream of the Wild Mad Road in sec-
2 tion 29, T. 28 N., R. 11 W., as a scenic river.

3 “(C) The 9.8-mile segment from .75 miles
4 downstream of Wild Mad Road to Silver Creek,
5 as a wild river.

6 “(D) The 5.4-mile segment from Silver
7 Creek confluence to Farley Creek, as a scenic
8 river.

9 “(E) The 3.6-mile segment from Farley
10 Creek to Cave Creek, as a recreational river.

11 “(F) The 5.6-mile segment from Cave
12 Creek to the confluence of the unnamed creek
13 upstream of Hidden Valley Ranch in section 5,
14 T. 15, R. 7 E., as a wild river.

15 “(G) The 2.5-mile segment from unnamed
16 creek confluence upstream of Hidden Valley
17 Ranch to the confluence with the unnamed
18 creek flowing west from Bear Wallow Mountain
19 in section 29, T. 1 N., R. 7 E., as a scenic
20 river.

21 “(H) The 3.8-mile segment from the
22 unnamed creek confluence in section 29, T. 1
23 N., R. 7 E. to Plummer Creek, as a wild river.

24 “(I) The 1.8-mile segment from Plummer
25 Creek to the confluence with the unnamed trib-

1 utary north of McClellan Place in section 6, T.
2 1 N., R. 7 E., as a scenic river.

3 “(J) The 5.4-mile segment from the
4 unnamed tributary confluence in section 6, T. 1
5 N., R. 7 E. to Hitchcock Creek, as a wild river.

6 “(K) The 7-mile segment from Eltapom
7 Creek to the Grouse Creek, as a scenic river.

8 “(L) The 5-mile segment from Grouse
9 Creek to Coon Creek, as a wild river.

10 “(232) EAST FORK SOUTH FORK TRINITY
11 RIVER.—The following segments to be administered
12 by the Secretary of Agriculture:

13 “(A) The 8.4-mile segment from its source
14 in the Pettijohn Basin in the Yolla Bolly-Middle
15 Eel Wilderness in section 10, T. 3 S., R. 10 W.
16 to .25 miles upstream of the Wild Mad Road,
17 as a wild river.

18 “(B) The 3.4-mile segment from .25 miles
19 upstream of the Wild Mad Road to the South
20 Fork Trinity River, as a recreational river.

21 “(233) RATTLESNAKE CREEK.—The 5.9-mile
22 segment from the confluence with the unnamed trib-
23 utary in the southeast corner of section 5, T. 1 S.,
24 R. 12 W. to the South Fork Trinity River, to be ad-

1 ministered by the Secretary of Agriculture as a rec-
2 reational river.

3 “(234) BUTTER CREEK.—The 7-mile segment
4 from .25 miles downstream of the Road 3N08 cross-
5 ing to the South Fork Trinity River, to be adminis-
6 tered by the Secretary of Agriculture as a scenic
7 river.

8 “(235) HAYFORK CREEK.—The following seg-
9 ments to be administered by the Secretary of Agri-
10 culture:

11 “(A) The 3.2-mile segment from Little
12 Creek to Bear Creek, as a recreational river.

13 “(B) The 13.2-mile segment from Bear
14 Creek to the northern boundary of section 19,
15 T. 3 N., R. 7 E., as a scenic river.

16 “(236) OLSEN CREEK.—The 2.8-mile segment
17 from the confluence of its source tributaries in sec-
18 tion 5, T. 3 N., R. 7 E. to the northern boundary
19 of section 24, T. 3 N., R. 6 E., to be administered
20 by the Secretary of the Interior as a scenic river.

21 “(237) RUSCH CREEK.—The 3.2-mile segment
22 from .25 miles downstream of the 32N11 Road
23 crossing to Hayfork Creek, to be administered by
24 the Secretary of Agriculture as a recreational river.

1 “(238) ELTAPOM CREEK.—The 3.4-mile seg-
2 ment from Buckhorn Creek to the South Fork Trin-
3 ity River, to be administered by the Secretary of Agri-
4 culture as a wild river.

5 “(239) GROUSE CREEK.—The following seg-
6 ments to be administered by the Secretary of Agri-
7 culture:

8 “(A) The 3.9-mile segment from Carson
9 Creek to Cow Creek, as a scenic river.

10 “(B) The 7.4-mile segment from Cow
11 Creek to the South Fork Trinity River, as a
12 recreational river.

13 “(240) MADDEN CREEK.—The following seg-
14 ments to be administered by the Secretary of Agri-
15 culture:

16 “(A) The 6.8-mile segment from the con-
17 fluence of Madden Creek and its unnamed trib-
18 utary in section 18, T. 5 N., R. 5 E. to
19 Fourmile Creek, as a wild river.

20 “(B) The 1.6-mile segment from Fourmile
21 Creek to the South Fork Trinity River, as a
22 recreational river.

23 “(241) CANYON CREEK.—The following seg-
24 ments to be administered by the Secretary of Agri-
25 culture and the Secretary of the Interior:

1 “(A) The 6.6-mile segment from the outlet
2 of lower Canyon Creek Lake to Bear Creek up-
3 stream of Ripstein, as a wild river.

4 “(B) The 11.2-mile segment from Bear
5 Creek upstream of Ripstein to the southern
6 boundary of section 25, T. 34 N., R. 11 W., as
7 a recreational river.

8 “(242) NORTH FORK TRINITY RIVER.—The fol-
9 lowing segments to be administered by the Secretary
10 of Agriculture:

11 “(A) The 12-mile segment from the con-
12 fluence of source tributaries in section 24, T. 8
13 N., R. 12 W. to the Trinity Alps Wilderness
14 boundary upstream of Hobo Gulch, as a wild
15 river.

16 “(B) The .5-mile segment from where the
17 river leaves the Trinity Alps Wilderness to
18 where it fully reenters the Trinity Alps Wilder-
19 ness downstream of Hobo Gulch, as a scenic
20 river.

21 “(C) The 13.9-mile segment from where
22 the river fully reenters the Trinity Alps Wilder-
23 ness downstream of Hobo Gulch to the Trinity
24 Alps Wilderness boundary upstream of the
25 County Road 421 crossing, as a wild river.

1 “(D) The 1.3-mile segment from the Trin-
2 ity Alps Wilderness boundary upstream of the
3 County Road 421 crossing to the Trinity River,
4 as a recreational river.

5 “(243) EAST FORK NORTH FORK TRINITY
6 RIVER.—The following segments to be administered
7 by the Secretary of Agriculture:

8 “(A) The 9.5-mile segment from the river’s
9 source north of Mt. Hilton in section 19, T. 36
10 N., R. 10 W. to the end of Road 35N20 ap-
11 proximately .5 miles downstream of the con-
12 fluence with the East Branch East Fork North
13 Fork Trinity River, as a wild river.

14 “(B) The 3.25-mile segment from the end
15 of Road 35N20 to .25 miles upstream of
16 Coleridge, as a scenic river.

17 “(C) The 4.6-mile segment from .25 miles
18 upstream of Coleridge to the confluence of Fox
19 Gulch, as a recreational river.

20 “(244) NEW RIVER.—The following segments
21 to be administered by the Secretary of Agriculture:

22 “(A) The 12.7-mile segment of Virgin
23 Creek from its source spring in section 22, T.
24 9 N., R. 7 E. to Slide Creek, as a wild river.

1 “(B) The 2.3-mile segment of the New
2 River where it begins at the confluence of Vir-
3 gin and Slide Creeks to Barron Creek, as a wild
4 river.

5 “(245) MIDDLE EEL RIVER.—The following
6 segment, to be administered by the Secretary of Ag-
7 riculture:

8 “(A) The 37.7-mile segment from its
9 source in Frying Pan Meadow to Rose Creek,
10 as a wild river.

11 “(B) The 1.5-mile segment from Rose
12 Creek to the Black Butte River, as a rec-
13 reational river.

14 “(C) The 10.5-mile segment of Balm of
15 Gilead Creek from its source in Hopkins Hollow
16 to the Middle Eel River, as a wild river.

17 “(D) The 13-mile segment of the North
18 Fork Middle Fork Eel River from the source on
19 Dead Puppy Ridge in section 11, T. 26 N., R.
20 11 W. to the confluence of the Middle Eel
21 River, as a wild river.

22 “(246) NORTH FORK EEL RIVER, CA.—The
23 14.3-mile segment from the confluence with Gilman
24 Creek to the Six Rivers National Forest boundary,

1 to be administered by the Secretary of Agriculture
2 as a wild river.

3 “(247) RED MOUNTAIN CREEK, CA.—The fol-
4 lowing segments to be administered by the Secretary
5 of Agriculture:

6 “(A) The 5.25-mile segment from its
7 source west of Mike’s Rock in section 23, T. 26
8 N., R. 12 E. to the confluence with Littlefield
9 Creek, as a wild river.

10 “(B) The 1.6-mile segment from the con-
11 fluence with Littlefield Creek to the confluence
12 with the unnamed tributary in section 32, T. 26
13 N., R. 8 E., as a scenic river.

14 “(C) The 1.25-mile segment from the con-
15 fluence with the unnamed tributary in section
16 32, T. 4 S., R. 8 E. to the confluence with the
17 North Fork Eel River, as a wild river.

18 “(248) REDWOOD CREEK.—The following seg-
19 ments to be administered by the Secretary of the In-
20 terior:

21 “(A) The 6.2-mile segment from the con-
22 fluence with Lacks Creek to the confluence with
23 Coyote Creek as a scenic river on publication by
24 the Secretary of a notice in the Federal Reg-
25 ister that sufficient inholdings within the

1 boundaries of the segments have been acquired
2 in fee title to establish a manageable addition
3 to the system.

4 “(B) The 19.1-mile segment from the con-
5 fluence with Coyote Creek in section 2, T. 8 N.,
6 R. 2 E. to the Redwood National Park bound-
7 ary upstream of Orick in section 34, T. 11 N.,
8 R. 1 E. as a scenic river.

9 “(C) The 2.3-mile segment of Emerald
10 Creek (also known as Harry Weir Creek) from
11 its source in section 29, T. 10 N., R. 2 E. to
12 the confluence with Redwood Creek as a scenic
13 river.

14 “(249) LACKS CREEK.—The following segments
15 to be administered by the Secretary of the Interior:

16 “(A) The 5.1-mile segment from the con-
17 fluence with two unnamed tributaries in section
18 14, T. 7 N., R. 3 E. to Kings Crossing in sec-
19 tion 27, T. 8 N., R. 3 E. as a wild river.

20 “(B) The 2.7-mile segment from Kings
21 Crossing to the confluence with Redwood Creek
22 as a scenic river upon publication by the Sec-
23 retary of a notice in the Federal Register that
24 sufficient inholdings within the segment have
25 been acquired in fee title or as scenic easements

1 to establish a manageable addition to the sys-
2 tem.

3 “(250) LOST MAN CREEK.—The following seg-
4 ments to be administered by the Secretary of the In-
5 terior:

6 “(A) The 6.4-mile segment of Lost Man
7 Creek from its source in section 5, T. 10 N., R.
8 2 E. to .25 miles upstream of the Prairie Creek
9 confluence, as a recreational river.

10 “(B) The 2.3-mile segment of Larry
11 Damm Creek from its source in section 8, T. 11
12 N., R. 2 E. to the confluence with Lost Man
13 Creek, as a recreational river.

14 “(251) LITTLE LOST MAN CREEK.—The 3.6-
15 mile segment of Little Lost Man Creek from its
16 source in section 6, T. 10 N., R. 2 E. to .25 miles
17 upstream of the Lost Man Creek road crossing, to
18 be administered by the Secretary of the Interior as
19 a wild river.

20 “(252) SOUTH FORK ELK RIVER.—The fol-
21 lowing segments to be administered by the Secretary
22 of the Interior through a cooperative management
23 agreement with the State of California:

24 “(A) The 3.6-mile segment of the Little
25 South Fork Elk River from the source in sec-

1 tion 21, T. 3 N., R. 1 E. to the confluence with
2 the South Fork Elk River, as a wild river.

3 “(B) The 2.2-mile segment of the
4 unnamed tributary of the Little South Fork Elk
5 River from its source in section 15, T. 3 N., R.
6 1 E. to the confluence with the Little South
7 Fork Elk River, as a wild river.

8 “(C) The 3.6-mile segment of the South
9 Fork Elk River from the confluence of the Lit-
10 tle South Fork Elk River to the confluence with
11 Tom Gulch, as a recreational river.

12 “(253) SALMON CREEK.—The 4.6-mile segment
13 from its source in section 27, T. 3 N., R. 1 E. to
14 the Headwaters Forest Reserve boundary in section
15 18, T. 3 N., R. 1 E. to be administered by the Sec-
16 retary of the Interior as a wild river through a coop-
17 erative management agreement with the State of
18 California.

19 “(254) SOUTH FORK EEL RIVER.—The fol-
20 lowing segments to be administered by the Secretary
21 of the Interior:

22 “(A) The 6.2-mile segment from the con-
23 fluence with Jack of Hearts Creek to the south-
24 ern boundary of the South Fork Eel Wilderness
25 in section 8, T. 22 N., R. 16 W., as a rec-

1 recreational river to be administered by the Sec-
2 retary through a cooperative management
3 agreement with the State of California.

4 “(B) The 6.1-mile segment from the south-
5 ern boundary of the South Fork Eel Wilderness
6 to the northern boundary of the South Fork
7 Eel Wilderness in section 29, T. 23 N., R. 16
8 W., as a wild river.

9 “(255) ELDER CREEK.—The following seg-
10 ments to be administered by the Secretary of the In-
11 terior through a cooperative management agreement
12 with the State of California:

13 “(A) The 3.6-mile segment from its source
14 north of Signal Peak in section 6, T. 21 N., R.
15 15 W. to the confluence with the unnamed trib-
16 utary near the center of section 28, T. 22 N.,
17 R. 16 W., as a wild river.

18 “(B) The 1.3-mile segment from the con-
19 fluence with the unnamed tributary near the
20 center of section 28, T. 22 N., R. 15 W. to the
21 confluence with the South Fork Eel River, as a
22 recreational river.

23 “(C) The 2.1-mile segment of Paralyze
24 Canyon from its source south of Signal Peak in

1 section 7, T. 21 N., R. 15 W. to the confluence
2 with Elder Creek, as a wild river.

3 “(256) CEDAR CREEK.—The following seg-
4 ments to be administered as a wild river by the Sec-
5 retary of the Interior:

6 “(A) The 7.7-mile segment from its source
7 in section 22, T. 24 N., R. 16 W. to the south-
8 ern boundary of the Red Mountain unit of the
9 South Fork Eel Wilderness.

10 “(B) The 1.9-mile segment of North Fork
11 Cedar Creek from its source in section 28, T.
12 24 N., R. 16 E. to the confluence with Cedar
13 Creek.

14 “(257) EAST BRANCH SOUTH FORK EEL
15 RIVER.—The following segments to be administered
16 by the Secretary of the Interior as a scenic river on
17 publication by the Secretary of a notice in the Fed-
18 eral Register that sufficient inholdings within the
19 boundaries of the segments have been acquired in
20 fee title or as scenic easements to establish a man-
21 ageable addition to the system:

22 “(A) The 2.3-mile segment of Cruso Cabin
23 Creek from the confluence of two unnamed trib-
24 utaries in section 18, T. 24 N., R. 15 W. to the
25 confluence with Elkhorn Creek.

1 “(B) The 1.8-mile segment of Elkhorn
2 Creek from the confluence of two unnamed trib-
3 utaries in section 22, T. 24 N., R. 16 W. to the
4 confluence with Cruso Cabin Creek.

5 “(C) The 14.2-mile segment of the East
6 Branch South Fork Eel River from the con-
7 fluence of Cruso Cabin and Elkhorn Creeks to
8 the confluence with Rays Creek.

9 “(D) The 1.7-mile segment of the
10 unnamed tributary from its source on the north
11 flank of Red Mountain’s north ridge in section
12 2, T. 24 N., R. 17 W. to the confluence with
13 the East Branch South Fork Eel River.

14 “(E) The 1.3-mile segment of the
15 unnamed tributary from its source on the north
16 flank of Red Mountain’s north ridge in section
17 1, T. 24 N., R. 17 W. to the confluence with
18 the East Branch South Fork Eel River.

19 “(F) The 1.8-mile segment of Tom Long
20 Creek from the confluence with the unnamed
21 tributary in section 12, T. 5 S., R. 4 E. to the
22 confluence with the East Branch South Fork
23 Eel River.

24 “(258) MATTOLE RIVER ESTUARY.—The 1.5-
25 mile segment from the confluence of Stansberry

1 Creek to the Pacific Ocean, to be administered as a
2 recreational river by the Secretary of the Interior.

3 “(259) HONEYDEW CREEK.—The following seg-
4 ments to be administered as a wild river by the Sec-
5 retary of the Interior:

6 “(A) The 5.1-mile segment of Honeydew
7 Creek from its source in the southwest corner
8 of section 25, T. 3 S., R. 1 W. to the eastern
9 boundary of the King Range National Con-
10 servation Area in section 18, T. 3 S., R. 1 E.

11 “(B) The 2.8-mile segment of West Fork
12 Honeydew Creek from its source west of North
13 Slide Peak to the confluence with Honeydew
14 Creek.

15 “(C) The 2.7-mile segment of Upper East
16 Fork Honeydew Creek from its source in sec-
17 tion 23, T. 3 S., R. 1 W. to the confluence with
18 Honeydew Creek.

19 “(260) BEAR CREEK.—The following segments
20 to be administered by the Secretary of the Interior:

21 “(A) The 1.9-mile segment of North Fork
22 Bear Creek from the confluence with the
23 unnamed tributary immediately downstream of
24 the Horse Mountain Road crossing to the con-
25 fluence with the South Fork, as a scenic river.

1 “(B) The 6.1-mile segment of South Fork
2 Bear Creek from the confluence in section 2, T.
3 5 S., R. 1 W. with the unnamed tributary flow-
4 ing from the southwest flank of Queen Peak to
5 the confluence with the North Fork, as a scenic
6 river.

7 “(C) The 3-mile segment of Bear Creek
8 from the confluence of the North and South
9 Forks to the southern boundary of section 11,
10 T. 4 S., R. 1 E., as a wild river.

11 “(261) GITCHELL CREEK.—The 3-mile segment
12 of Gitchell Creek from its source near Saddle Moun-
13 tain to the Pacific Ocean to be administered by the
14 Secretary of the Interior as a wild river.

15 “(262) BIG FLAT CREEK.—The following seg-
16 ments to be administered by the Secretary of the In-
17 terior as a wild river:

18 “(A) The 4-mile segment of Big Flat
19 Creek from its source near King Peak in sec-
20 tion 36, T. 3 S., R. 1 W. to the Pacific Ocean.

21 “(B) The .8-mile segment of the unnamed
22 tributary from its source in section 35, T. 3 S.,
23 R. 1 W. to the confluence with Big Flat Creek.

24 “(C) The 2.7-mile segment of North Fork
25 Big Flat Creek from the source in section 34,

1 T. 3 S., R. 1 W. to the confluence with Big
2 Flat Creek.

3 “(263) BIG CREEK.—The following segments to
4 be administered by the Secretary of the Interior as
5 wild rivers:

6 “(A) The 2.7-mile segment of Big Creek
7 from its source in section 26, T. 3 S., R. 1 W.
8 to the Pacific Ocean.

9 “(B) The 1.9-mile unnamed southern trib-
10 utary from its source in section 25, T. 3 S., R.
11 1 W. to the confluence with Big Creek.

12 “(264) ELK CREEK.—The 11.4-mile segment
13 from its confluence with Lookout Creek to its con-
14 fluence with Deep Hole Creek, to be jointly adminis-
15 tered by the Secretaries of Agriculture and the Inte-
16 rior, as a wild river.

17 “(265) EDEN CREEK.—The 2.7-mile segment
18 from the private property boundary in the northwest
19 quarter of section 27, T. 21 N., R. 12 W. to the
20 eastern boundary of section 23, T. 21 N., R. 12 W.,
21 to be administered by the Secretary of the Interior
22 as a wild river.

23 “(266) DEEP HOLE CREEK.—The 4.3-mile seg-
24 ment from the private property boundary in the
25 southwest quarter of section 13, T. 20 N., R. 12 W.

1 to the confluence with Elk Creek, to be administered
2 by the Secretary of the Interior as a wild river.

3 “(267) INDIAN CREEK.—The 3.3-mile segment
4 from 300 feet downstream of the jeep trail in section
5 13, T. 20 N., R. 13 W. to the confluence with the
6 Eel River, to be administered by the Secretary of the
7 Interior as a wild river.

8 “(268) FISH CREEK.—The 4.2-mile segment
9 from the source at Buckhorn Spring to the con-
10 fluence with the Eel River, to be administered by the
11 Secretary of the Interior as a wild river.”

12 **SEC. 5535. SANHEDRIN SPECIAL CONSERVATION MANAGE-**
13 **MENT AREA.**

14 (a) ESTABLISHMENT.—Subject to valid existing
15 rights, there is established the Sanhedrin Special Con-
16 servation Management Area (referred to in this section as
17 the “conservation management area”), comprising ap-
18 proximately 12,254 acres of Federal land administered by
19 the Forest Service in Mendocino County, California, as
20 generally depicted on the map entitled “Sanhedrin Con-
21 servation Management Area” and dated May 15, 2020.

22 (b) PURPOSES.—The purposes of the conservation
23 management area are to—

24 (1) conserve, protect, and enhance for the ben-
25 efit and enjoyment of present and future generations

1 the ecological, scenic, wildlife, recreational, roadless,
2 cultural, historical, natural, educational, and sci-
3 entific resources of the conservation management
4 area;

5 (2) protect and restore late-successional forest
6 structure, oak woodlands and grasslands, aquatic
7 habitat, and anadromous fisheries within the con-
8 servation management area;

9 (3) protect and restore the wilderness character
10 of the conservation management area; and

11 (4) allow visitors to enjoy the scenic, natural,
12 cultural, and wildlife values of the conservation man-
13 agement area.

14 (c) MANAGEMENT.—

15 (1) IN GENERAL.—The Secretary shall manage
16 the conservation management area—

17 (A) in a manner consistent with the pur-
18 poses described in subsection (b); and

19 (B) in accordance with—

20 (i) the laws (including regulations)
21 generally applicable to the National Forest
22 System;

23 (ii) this section; and

24 (iii) any other applicable law (includ-
25 ing regulations).

1 (2) USES.—The Secretary shall only allow uses
2 of the conservation management area that the Sec-
3 retary determines would further the purposes de-
4 scribed in subsection (b).

5 (d) MOTORIZED VEHICLES.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (3), the use of motorized vehicles in the con-
8 servation management area shall be permitted only
9 on existing roads, trails, and areas designated for
10 use by such vehicles as of the date of enactment of
11 this subtitle.

12 (2) NEW OR TEMPORARY ROADS.—Except as
13 provided in paragraph (3), no new or temporary
14 roads shall be constructed within the conservation
15 management area.

16 (3) EXCEPTION.—Nothing in paragraph (1) or
17 (2) prevents the Secretary from—

18 (A) rerouting or closing an existing road or
19 trail to protect natural resources from degrada-
20 tion, or to protect public safety, as determined
21 to be appropriate by the Secretary;

22 (B) designating routes of travel on lands
23 acquired by the Secretary and incorporated into
24 the conservation management area if the des-
25 ignations are—

1 (i) consistent with the purposes de-
2 scribed in subsection (b); and

3 (ii) completed, to the maximum extent
4 practicable, within 3 years of the date of
5 acquisition;

6 (C) constructing a temporary road on
7 which motorized vehicles are permitted as part
8 of a vegetation management project carried out
9 in accordance with subsection (e);

10 (D) authorizing the use of motorized vehi-
11 cles for administrative purposes; or

12 (E) responding to an emergency.

13 (4) DECOMMISSIONING OF TEMPORARY
14 ROADS.—

15 (A) REQUIREMENT.—The Secretary shall
16 decommission any temporary road constructed
17 under paragraph (3)(C) not later than 3 years
18 after the date on which the applicable vegeta-
19 tion management project is completed.

20 (B) DEFINITION.—As used in subpara-
21 graph (A), the term “decommission” means—

22 (i) to reestablish vegetation on a road;
23 and

24 (ii) to restore any natural drainage,
25 watershed function, or other ecological

1 processes that are disrupted or adversely
2 impacted by the road by removing or
3 hydrologically disconnecting the road
4 prism.

5 (e) TIMBER HARVEST.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), no harvesting of timber shall be allowed
8 within the conservation management area.

9 (2) EXCEPTIONS.—The Secretary may author-
10 ize harvesting of timber in the conservation manage-
11 ment area—

12 (A) if the Secretary determines that the
13 harvesting is necessary to further the purposes
14 of the conservation management area;

15 (B) in a manner consistent with the pur-
16 poses described in subsection (b); and

17 (C) subject to—

18 (i) such reasonable regulations, poli-
19 cies, and practices as the Secretary deter-
20 mines appropriate; and

21 (ii) all applicable laws (including regu-
22 lations).

23 (f) GRAZING.—The grazing of livestock in the con-
24 servation management area, where established before the

1 date of enactment of this subtitle, shall be permitted to
2 continue—

3 (1) subject to—

4 (A) such reasonable regulations, policies,
5 and practices as the Secretary considers nec-
6 essary; and

7 (B) applicable law (including regulations);
8 and

9 (2) in a manner consistent with the purposes
10 described in subsection (b).

11 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
12 MENT.—Consistent with this section, the Secretary may
13 take any measures within the conservation management
14 area that the Secretary determines to be necessary to con-
15 trol fire, insects, and diseases, including the coordination
16 of those activities with a State or local agency.

17 (h) ACQUISITION AND INCORPORATION OF LAND AND
18 INTERESTS IN LAND.—

19 (1) ACQUISITION AUTHORITY.—In accordance
20 with applicable laws (including regulations), the Sec-
21 retary may acquire any land or interest in land with-
22 in or adjacent to the boundaries of the conservation
23 management area by purchase from willing sellers,
24 donation, or exchange.

1 (2) INCORPORATION.—Any land or interest in
2 land acquired by the Secretary under paragraph (1)
3 shall be—

4 (A) incorporated into, and administered as
5 part of, the conservation management area; and

6 (B) withdrawn in accordance with sub-
7 section (i).

8 (i) WITHDRAWAL.—Subject to valid existing rights,
9 all Federal land located in the conservation management
10 area is withdrawn from—

11 (1) all forms of entry, appropriation, and dis-
12 posal under the public land laws;

13 (2) location, entry, and patenting under the
14 mining laws; and

15 (3) operation of the mineral leasing, mineral
16 materials, and geothermal leasing laws.

17 **PART 4—MISCELLANEOUS**

18 **SEC. 5541. MAPS AND LEGAL DESCRIPTIONS.**

19 (a) IN GENERAL.—As soon as practicable after the
20 date of enactment of this subtitle, the Secretary shall pre-
21 pare maps and legal descriptions of the—

22 (1) wilderness areas and wilderness additions
23 designated by section 5531;

24 (2) potential wilderness areas designated by
25 section 5533;

1 (3) South Fork Trinity-Mad River Restoration
2 Area;

3 (4) Horse Mountain Special Management Area;
4 and

5 (5) Sanhedrin Special Conservation Manage-
6 ment Area.

7 (b) SUBMISSION OF MAPS AND LEGAL DESCRIP-
8 TIONS.—The Secretary shall file the maps and legal de-
9 scriptions prepared under subsection (a) with—

10 (1) the Committee on Natural Resources of the
11 House of Representatives; and

12 (2) the Committee on Energy and Natural Re-
13 sources of the Senate.

14 (c) FORCE OF LAW.—The maps and legal descrip-
15 tions prepared under subsection (a) shall have the same
16 force and effect as if included in this subtitle, except that
17 the Secretary may correct any clerical and typographical
18 errors in the maps and legal descriptions.

19 (d) PUBLIC AVAILABILITY.—The maps and legal de-
20 scriptions prepared under subsection (a) shall be on file
21 and available for public inspection in the appropriate of-
22 fices of the Forest Service, Bureau of Land Management,
23 and National Park Service.

1 **SEC. 5542. UPDATES TO LAND AND RESOURCE MANAGE-**
2 **MENT PLANS.**

3 As soon as practicable, in accordance with applicable
4 laws (including regulations), the Secretary shall incor-
5 porate the designations and studies required by this sub-
6 title into updated management plans for units covered by
7 this subtitle.

8 **SEC. 5543. PACIFIC GAS AND ELECTRIC COMPANY UTILITY**
9 **FACILITIES AND RIGHTS-OF-WAY.**

10 (a) EFFECT OF TITLE.—Nothing in this subtitle—

11 (1) affects any validly issued right-of-way for
12 the customary operation, maintenance, upgrade, re-
13 pair, relocation within an existing right-of-way, re-
14 placement, or other authorized activity (including
15 the use of any mechanized vehicle, helicopter, and
16 other aerial device) in a right-of-way acquired by or
17 issued, granted, or permitted to Pacific Gas and
18 Electric Company (including any predecessor or suc-
19 cessor in interest or assign) that is located on land
20 included in the South Fork Trinity—Mad River Res-
21 toration Area, Bigfoot National Recreation Trail,
22 Sanhedrin Special Conservation Management Area,
23 and Horse Mountain Special Management Area; or

24 (2) prohibits the upgrading or replacement of
25 any—

1 (A) utility facilities of the Pacific Gas and
2 Electric Company, including those utility facili-
3 ties known on the date of enactment of this
4 subtitle within the—

5 (i) South Fork Trinity—Mad River
6 Restoration Area known as—

7 (I) Gas Transmission Line 177A
8 or rights-of-way;

9 (II) Gas Transmission Line
10 DFM 1312-02 or rights-of-way;

11 (III) Electric Transmission Line
12 Bridgeville—Cottonwood 115 kV or
13 rights-of-way;

14 (IV) Electric Transmission Line
15 Humboldt—Trinity 60 kV or rights-
16 of-way;

17 (V) Electric Transmission Line
18 Humboldt—Trinity 115 kV or rights-
19 of-way;

20 (VI) Electric Transmission Line
21 Maple Creek—Hoopa 60 kV or rights-
22 of-way;

23 (VII) Electric Distribution
24 Line—Willow Creek 1101 12 kV or
25 rights-of-way;

- 1 (VIII) Electric Distribution
2 Line—Willow Creek 1103 12 kV or
3 rights-of-way;
- 4 (IX) Electric Distribution Line—
5 Low Gap 1101 12 kV or rights-of-
6 way;
- 7 (X) Electric Distribution Line—
8 Fort Seward 1121 12 kV or rights-of-
9 way;
- 10 (XI) Forest Glen Border District
11 Regulator Station or rights-of-way;
- 12 (XII) Durret District Gas Regu-
13 lator Station or rights-of-way;
- 14 (XIII) Gas Distribution Line
15 4269C or rights-of-way;
- 16 (XIV) Gas Distribution Line
17 43991 or rights-of-way;
- 18 (XV) Gas Distribution Line
19 4993D or rights-of-way;
- 20 (XVI) Sportsmans Club District
21 Gas Regulator Station or rights-of-
22 way;
- 23 (XVII) Highway 36 and Zenia
24 District Gas Regulator Station or
25 rights-of-way;

1 (XVIII) Dinsmore Lodge 2nd
2 Stage Gas Regulator Station or
3 rights-of-way;

4 (XIX) Electric Distribution
5 Line—Wildwood 1101 12kV or rights-
6 of-way;

7 (XX) Low Gap Substation;

8 (XXI) Hyampom Switching Sta-
9 tion; or

10 (XXII) Wildwood Substation;

11 (ii) Bigfoot National Recreation Trail
12 known as—

13 (I) Gas Transmission Line 177A
14 or rights-of-way;

15 (II) Electric Transmission Line
16 Humboldt—Trinity 115 kV or rights-
17 of-way;

18 (III) Electric Transmission Line
19 Bridgeville—Cottonwood 115 kV or
20 rights-of-way; or

21 (IV) Electric Transmission Line
22 Humboldt—Trinity 60 kV or rights-
23 of-way;

24 (iii) Sanhedrin Special Conservation
25 Management Area known as, Electric Dis-

1 tribution Line—Willits 1103 12 kV or
2 rights-of-way; or

3 (iv) Horse Mountain Special Manage-
4 ment Area known as, Electric Distribution
5 Line Willow Creek 1101 12 kV or rights-
6 of-way; or

7 (B) utility facilities of the Pacific Gas and
8 Electric Company in rights-of-way issued,
9 granted, or permitted by the Secretary adjacent
10 to a utility facility referred to in paragraph (1).

11 (b) PLANS FOR ACCESS.—Not later than 1 year after
12 the date of enactment of this subtitle or the issuance of
13 a new utility facility right-of-way within the South Fork
14 Trinity—Mad River Restoration Area, Bigfoot National
15 Recreation Trail, Sanhedrin Special Conservation Man-
16 agement Area, and Horse Mountain Special Management
17 Area, whichever is later, the Secretary, in consultation
18 with the Pacific Gas and Electric Company, shall publish
19 plans for regular and emergency access by the Pacific Gas
20 and Electric Company to the rights-of-way of the Pacific
21 Gas and Electric Company.

1 **Subtitle C—Wild Olympics Wilder-**
2 **ness and Wild and Scenic Rivers**

3 **SEC. 5551. DESIGNATION OF OLYMPIC NATIONAL FOREST**
4 **WILDERNESS AREAS.**

5 (a) IN GENERAL.—In furtherance of the Wilderness
6 Act (16 U.S.C. 1131 et seq.), the following Federal land
7 in the Olympic National Forest in the State of Wash-
8 ington comprising approximately 126,554 acres, as gen-
9 erally depicted on the map entitled “Proposed Wild Olym-
10 pics Wilderness and Wild and Scenic Rivers Act” and
11 dated April 8, 2019 (referred to in this section as the
12 “map”), is designated as wilderness and as components
13 of the National Wilderness Preservation System:

14 (1) LOST CREEK WILDERNESS.—Certain Fed-
15 eral land managed by the Forest Service, comprising
16 approximately 7,159 acres, as generally depicted on
17 the map, which shall be known as the “Lost Creek
18 Wilderness”.

19 (2) RUGGED RIDGE WILDERNESS.—Certain
20 Federal land managed by the Forest Service, com-
21 prising approximately 5,956 acres, as generally de-
22 picted on the map, which shall be known as the
23 “Rugged Ridge Wilderness”.

24 (3) ALCKEE CREEK WILDERNESS.—Certain
25 Federal land managed by the Forest Service, com-

1 prising approximately 1,787 acres, as generally de-
2 picted on the map, which shall be known as the
3 “Alckee Creek Wilderness”.

4 (4) GATES OF THE ELWHA WILDERNESS.—Cer-
5 tain Federal land managed by the Forest Service,
6 comprising approximately 5,669 acres, as generally
7 depicted on the map, which shall be known as the
8 “Gates of the Elwha Wilderness”.

9 (5) BUCKHORN WILDERNESS ADDITIONS.—Cer-
10 tain Federal land managed by the Forest Service,
11 comprising approximately 21,965 acres, as generally
12 depicted on the map, is incorporated in, and shall be
13 managed as part of, the “Buckhorn Wilderness”, as
14 designated by section 3 of the Washington State
15 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
16 lic Law 98–339).

17 (6) GREEN MOUNTAIN WILDERNESS.—Certain
18 Federal land managed by the Forest Service, com-
19 prising approximately 4,790 acres, as generally de-
20 picted on the map, which shall be known as the
21 “Green Mountain Wilderness”.

22 (7) THE BROTHERS WILDERNESS ADDITIONS.—
23 Certain land managed by the Forest Service, com-
24 prising approximately 8,625 acres, as generally de-
25 picted on the map, is incorporated in, and shall be

1 managed as part of, the “The Brothers Wilderness”,
2 as designated by section 3 of the Washington State
3 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
4 lic Law 98–339).

5 (8) MOUNT SKOKOMISH WILDERNESS ADDI-
6 TIONS.—Certain land managed by the Forest Serv-
7 ice, comprising approximately 8,933 acres, as gen-
8 erally depicted on the map, is incorporated in, and
9 shall be managed as part of, the “Mount Skokomish
10 Wilderness”, as designated by section 3 of the
11 Washington State Wilderness Act of 1984 (16
12 U.S.C. 1132 note; Public Law 98–339).

13 (9) WONDER MOUNTAIN WILDERNESS ADDI-
14 TIONS.—Certain land managed by the Forest Serv-
15 ice, comprising approximately 26,517 acres, as gen-
16 erally depicted on the map, is incorporated in, and
17 shall be managed as part of, the “Wonder Mountain
18 Wilderness”, as designated by section 3 of the
19 Washington State Wilderness Act of 1984 (16
20 U.S.C. 1132 note; Public Law 98–339).

21 (10) MOONLIGHT DOME WILDERNESS.—Certain
22 Federal land managed by the Forest Service, com-
23 prising approximately 9,117 acres, as generally de-
24 picted on the map, which shall be known as the
25 “Moonlight Dome Wilderness”.

1 (11) SOUTH QUINAULT RIDGE WILDERNESS.—
2 Certain Federal land managed by the Forest Serv-
3 ice, comprising approximately 10,887 acres, as gen-
4 erally depicted on the map, which shall be known as
5 the “South Quinault Ridge Wilderness”.

6 (12) COLONEL BOB WILDERNESS ADDITIONS.—
7 Certain Federal land managed by the Forest Serv-
8 ice, comprising approximately 353 acres, as gen-
9 erally depicted on the map, is incorporated in, and
10 shall be managed as part of, the “Colonel Bob Wil-
11 derness”, as designated by section 3 of the Wash-
12 ington State Wilderness Act of 1984 (16 U.S.C.
13 1132 note; Public Law 98–339).

14 (13) SAM’S RIVER WILDERNESS.—Certain Fed-
15 eral land managed by the Forest Service, comprising
16 approximately 13,418 acres, as generally depicted on
17 the map, which shall be known as the “Sam’s River
18 Wilderness”.

19 (14) CANOE CREEK WILDERNESS.—Certain
20 Federal land managed by the Forest Service, com-
21 prising approximately 1,378 acres, as generally de-
22 picted on the map, which shall be known as the
23 “Canoe Creek Wilderness”.

24 (b) ADMINISTRATION.—

1 (1) MANAGEMENT.—Subject to valid existing
2 rights, the land designated as wilderness by sub-
3 section (a) shall be administered by the Secretary of
4 Agriculture (referred to in this section as the “Sec-
5 retary”), in accordance with the Wilderness Act (16
6 U.S.C. 1131 et seq.), except that any reference in
7 that Act to the effective date of that Act shall be
8 considered to be a reference to the date of enact-
9 ment of this subtitle.

10 (2) MAP AND DESCRIPTION.—

11 (A) IN GENERAL.—As soon as practicable
12 after the date of enactment of this subtitle, the
13 Secretary shall file a map and a legal descrip-
14 tion of the land designated as wilderness by
15 subsection (a) with—

16 (i) the Committee on Natural Re-
17 sources of the House of Representatives;
18 and

19 (ii) the Committee on Energy and
20 Natural Resources of the Senate.

21 (B) EFFECT.—Each map and legal de-
22 scription filed under subparagraph (A) shall
23 have the same force and effect as if included in
24 this subtitle, except that the Secretary may cor-

1 rect minor errors in the map and legal descrip-
2 tion.

3 (C) PUBLIC AVAILABILITY.—Each map
4 and legal description filed under subparagraph
5 (A) shall be filed and made available for public
6 inspection in the appropriate office of the For-
7 est Service.

8 (c) POTENTIAL WILDERNESS.—

9 (1) IN GENERAL.—In furtherance of the pur-
10 poses of the Wilderness Act (16 U.S.C. 1131 et
11 seq.), certain Federal land managed by the Forest
12 Service, comprising approximately 5,346 acres as
13 identified as “Potential Wilderness” on the map, is
14 designated as potential wilderness.

15 (2) DESIGNATION AS WILDERNESS.—On the
16 date on which the Secretary publishes in the Federal
17 Register notice that any nonconforming uses in the
18 potential wilderness designated by paragraph (1)
19 have terminated, the potential wilderness shall be—

20 (A) designated as wilderness and as a com-
21 ponent of the National Wilderness Preservation
22 System; and

23 (B) incorporated into the adjacent wilder-
24 ness area.

25 (d) ADJACENT MANAGEMENT.—

1 (1) NO PROTECTIVE PERIMETERS OR BUFFER
2 ZONES.—The designations in this section shall not
3 create a protective perimeter or buffer zone around
4 any wilderness area.

5 (2) NONCONFORMING USES PERMITTED OUT-
6 SIDE OF BOUNDARIES OF WILDERNESS AREAS.—Any
7 activity or use outside of the boundary of any wilder-
8 ness area designated under this section shall be per-
9 mitted even if the activity or use would be seen or
10 heard within the boundary of the wilderness area.

11 (e) FIRE, INSECTS, AND DISEASES.—The Secretary
12 may take such measures as are necessary to control fire,
13 insects, and diseases, in the wilderness areas designated
14 by this section, in accordance with section 4(d)(1) of the
15 Wilderness Act (16 U.S.C. 1133(d)(1)) and subject to
16 such terms and conditions as the Secretary determines to
17 be appropriate.

18 **SEC. 5552. WILD AND SCENIC RIVER DESIGNATIONS.**

19 (a) IN GENERAL.—Section 3(a) of the National Wild
20 and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended
21 by adding at the end the following:

22 “(231) ELWHA RIVER, WASHINGTON.—The ap-
23 proximately 29.0-mile segment of the Elwha River
24 and tributaries from the source to Cat Creek, to be

1 administered by the Secretary of the Interior as a
2 wild river.

3 “(232) DUNGENESS RIVER, WASHINGTON.—

4 The segment of the Dungeness River from the head-
5 waters to the State of Washington Department of
6 Natural Resources land in T. 29 N., R. 4 W., sec.
7 12, to be administered by the Secretary of Agri-
8 culture, except that portions of the river within the
9 boundaries of Olympic National Park shall be ad-
10 ministered by the Secretary of the Interior, including
11 the following segments of the mainstem and major
12 tributary the Gray Wolf River, in the following class-
13 es:

14 “(A) The approximately 5.8-mile segment
15 of the Dungeness River from the headwaters to
16 the 2870 Bridge, as a wild river.

17 “(B) The approximately 2.1-mile segment
18 of the Dungeness River from the 2870 Bridge
19 to Silver Creek, as a scenic river.

20 “(C) The approximately 2.7-mile segment
21 of the Dungeness River from Silver Creek to
22 Sleepy Hollow Creek, as a wild river.

23 “(D) The approximately 6.3-mile segment
24 of the Dungeness River from Sleepy Hollow

1 Creek to the Olympic National Forest bound-
2 ary, as a scenic river.

3 “(E) The approximately 1.9-mile segment
4 of the Dungeness River from the National For-
5 est boundary to the State of Washington De-
6 partment of Natural Resources land in T. 29
7 N., R. 4 W., sec. 12, to be administered as a
8 recreational river through a cooperative man-
9 agement agreement between the State of Wash-
10 ington and the Secretary of Agriculture as pro-
11 vided in section 10(e) of the Wild and Scenic
12 Rivers Act (16 U.S.C. 1281(e)).

13 “(F) The approximately 16.1-mile segment
14 of the Gray Wolf River from the headwaters to
15 the 2870 Bridge, as a wild river.

16 “(G) The approximately 1.1-mile segment
17 of the Gray Wolf River from the 2870 Bridge
18 to the confluence with the Dungeness River, as
19 a scenic river.

20 “(233) BIG QUILCENE RIVER, WASHINGTON.—
21 The segment of the Big Quilcene River from the
22 headwaters to the City of Port Townsend water in-
23 take facility, to be administered by the Secretary of
24 Agriculture, in the following classes:

1 “(A) The approximately 4.4-mile segment
2 from the headwaters to the Buckhorn Wilder-
3 ness boundary, as a wild river.

4 “(B) The approximately 5.3-mile segment
5 from the Buckhorn Wilderness boundary to the
6 City of Port Townsend water intake facility, as
7 a scenic river.

8 “(C) Section 7(a), with respect to the li-
9 censing of dams, water conduits, reservoirs,
10 powerhouses, transmission lines, or other
11 project works, shall apply to the approximately
12 5-mile segment from the City of Port Townsend
13 water intake facility to the Olympic National
14 Forest boundary.

15 “(234) DOSEWALLIPS RIVER, WASHINGTON.—
16 The segment of the Dosewallips River from the
17 headwaters to the private land in T. 26 N., R. 3 W.,
18 sec. 15, to be administered by the Secretary of Agri-
19 culture, except that portions of the river within the
20 boundaries of Olympic National Park shall be ad-
21 ministered by the Secretary of the Interior, in the
22 following classes:

23 “(A) The approximately 12.9-mile segment
24 from the headwaters to Station Creek, as a wild
25 river.

1 “(B) The approximately 6.8-mile segment
2 from Station Creek to the private land in T. 26
3 N., R. 3 W., sec. 15, as a scenic river.

4 “(235) DUCKABUSH RIVER, WASHINGTON.—
5 The segment of the Duckabush River from the head-
6 waters to the private land in T. 25 N., R. 3 W., sec.
7 1, to be administered by the Secretary of Agri-
8 culture, except that portions of the river within the
9 boundaries of Olympic National Park shall be ad-
10 ministered by the Secretary of the Interior, in the
11 following classes:

12 “(A) The approximately 19.0-mile segment
13 from the headwaters to the Brothers Wilderness
14 boundary, as a wild river.

15 “(B) The approximately 1.9-mile segment
16 from the Brothers Wilderness boundary to the
17 private land in T. 25 N., R. 3 W., sec. 1, as
18 a scenic river.

19 “(236) HAMMA HAMMA RIVER, WASHINGTON.—
20 The segment of the Hamma Hamma River from the
21 headwaters to the eastern edge of the NW1/4 sec.
22 21, T. 24 N., R. 3 W., to be administered by the
23 Secretary of Agriculture, in the following classes:

1 “(A) The approximately 3.1-mile segment
2 from the headwaters to the Mt. Skokomish Wil-
3 derness boundary, as a wild river.

4 “(B) The approximately 5.8-mile segment
5 from the Mt. Skokomish Wilderness boundary
6 to Lena Creek, as a scenic river.

7 “(C) The approximately 6.8-mile segment
8 from Lena Creek to the eastern edge of the
9 NW1/4 sec. 21, T. 24 N., R. 3 W., to be ad-
10 ministered as a recreational river through a co-
11 operative management agreement between the
12 State of Washington and the Secretary of Agri-
13 culture as provided in section 10(e) of the Wild
14 and Scenic Rivers Act (16 U.S.C. 1281(e)).

15 “(237) SOUTH FORK SKOKOMISH RIVER, WASH-
16 INGTON.—The segment of the South Fork
17 Skokomish River from the headwaters to the Olym-
18 pic National Forest boundary to be administered by
19 the Secretary of Agriculture, in the following classes:

20 “(A) The approximately 6.7-mile segment
21 from the headwaters to Church Creek, as a wild
22 river.

23 “(B) The approximately 8.3-mile segment
24 from Church Creek to LeBar Creek, as a scenic
25 river.

1 “(C) The approximately 4.0-mile segment
2 from LeBar Creek to upper end of gorge in the
3 NW1/4 sec. 22, T. 22 N., R. 5 W., as a rec-
4 reational river.

5 “(D) The approximately 6.0-mile segment
6 from the upper end of the gorge to the Olympic
7 National Forest boundary, as a scenic river.

8 “(238) MIDDLE FORK SATSOP RIVER, WASH-
9 INGTON.—The approximately 7.9-mile segment of
10 the Middle Fork Satsop River from the headwaters
11 to the Olympic National Forest boundary, to be ad-
12 ministered by the Secretary of Agriculture, as a sce-
13 nic river.

14 “(239) WEST FORK SATSOP RIVER, WASH-
15 INGTON.—The approximately 8.2-mile segment of
16 the West Fork Satsop River from the headwaters to
17 the Olympic National Forest boundary, to be admin-
18 istered by the Secretary of Agriculture, as a scenic
19 river.

20 “(240) WYNOOCHEE RIVER, WASHINGTON.—
21 The segment of the Wynoochee River from the head-
22 waters to the head of Wynoochee Reservoir to be ad-
23 ministered by the Secretary of Agriculture, except
24 that portions of the river within the boundaries of

1 Olympic National Park shall be administered by the
2 Secretary of the Interior, in the following classes:

3 “(A) The approximately 2.5-mile segment
4 from the headwaters to the boundary of the
5 Wonder Mountain Wilderness, as a wild river.

6 “(B) The approximately 7.4-mile segment
7 from the boundary of the Wonder Mountain
8 Wilderness to the head of Wynoochee Reservoir,
9 as a recreational river.

10 “(241) EAST FORK HUMPTULIPS RIVER, WASH-
11 INGTON.—The segment of the East Fork
12 Humptulips River from the headwaters to the Olym-
13 pic National Forest boundary to be administered by
14 the Secretary of Agriculture, in the following classes:

15 “(A) The approximately 7.4-mile segment
16 from the headwaters to the Moonlight Dome
17 Wilderness boundary, as a wild river.

18 “(B) The approximately 10.3-mile segment
19 from the Moonlight Dome Wilderness boundary
20 to the Olympic National Forest boundary, as a
21 scenic river.

22 “(242) WEST FORK HUMPTULIPS RIVER, WASH-
23 INGTON.—The approximately 21.4-mile segment of
24 the West Fork Humptulips River from the head-
25 waters to the Olympic National Forest Boundary, to

1 be administered by the Secretary of Agriculture, as
2 a scenic river.

3 “(243) QUINAULT RIVER, WASHINGTON.—The
4 segment of the Quinault River from the headwaters
5 to private land in T. 24 N., R. 8 W., sec. 33, to be
6 administered by the Secretary of the Interior, in the
7 following classes:

8 “(A) The approximately 16.5-mile segment
9 from the headwaters to Graves Creek, as a wild
10 river.

11 “(B) The approximately 6.7-mile segment
12 from Graves Creek to Cannings Creek, as a sce-
13 nic river.

14 “(C) The approximately 1.0-mile segment
15 from Cannings Creek to private land in T. 24
16 N., R. 8 W., sec. 33, as a recreational river.

17 “(244) QUEETS RIVER, WASHINGTON.—The
18 segment of the Queets River from the headwaters to
19 the Olympic National Park boundary to be adminis-
20 tered by the Secretary of the Interior, except that
21 portions of the river outside the boundaries of Olym-
22 pic National Park shall be administered by the Sec-
23 retary of Agriculture, including the following seg-
24 ments of the mainstem and certain tributaries in the
25 following classes:

1 “(A) The approximately 28.6-mile segment
2 of the Queets River from the headwaters to the
3 confluence with Sams River, as a wild river.

4 “(B) The approximately 16.0-mile segment
5 of the Queets River from the confluence with
6 Sams River to the Olympic National Park
7 boundary, as a scenic river.

8 “(C) The approximately 15.7-mile segment
9 of the Sams River from the headwaters to the
10 confluence with the Queets River, as a scenic
11 river.

12 “(D) The approximately 17.7-mile segment
13 of Matheny Creek from the headwaters to the
14 confluence with the Queets River, to be admin-
15 istered as a scenic river through a cooperative
16 management agreement between the State of
17 Washington and the Secretary of Agriculture as
18 provided in section 10(e) of the Wild and Scenic
19 Rivers Act (16 U.S.C. 1281(e)).

20 “(245) HOH RIVER, WASHINGTON.—The seg-
21 ment of the Hoh River and the major tributary
22 South Fork Hoh from the headwaters to Olympic
23 National Park boundary, to be administered by the
24 Secretary of the Interior, in the following classes:

1 “(A) The approximately 20.7-mile segment
2 of the Hoh River from the headwaters to Jack-
3 son Creek, as a wild river.

4 “(B) The approximately 6.0-mile segment
5 of the Hoh River from Jackson Creek to the
6 Olympic National Park boundary, as a scenic
7 river.

8 “(C) The approximately 13.8-mile segment
9 of the South Fork Hoh River from the head-
10 waters to the Olympic National Park boundary,
11 as a wild river.

12 “(D) The approximately 4.6-mile segment
13 of the South Fork Hoh River from the Olympic
14 National Park boundary to the Washington
15 State Department of Natural Resources bound-
16 ary in T. 27 N., R. 10 W., sec. 29, to be ad-
17 ministered as a recreational river through a co-
18 operative management agreement between the
19 State of Washington and the Secretary of Agri-
20 culture as provided in section 10(e) of the Wild
21 and Scenic Rivers Act (16 U.S.C. 1281(e)).

22 “(246) BOGACHIEL RIVER, WASHINGTON.—The
23 approximately 25.6-mile segment of the Bogachiel
24 River from the source to the Olympic National Park

1 boundary, to be administered by the Secretary of the
2 Interior, as a wild river.

3 “(247) SOUTH FORK CALAWAH RIVER, WASH-
4 INGTON.—The segment of the South Fork Calawah
5 River and the major tributary Sitkum River from
6 the headwaters to Hyas Creek to be administered by
7 the Secretary of Agriculture, except those portions
8 of the river within the boundaries of Olympic Na-
9 tional Park shall be administered by the Secretary
10 of the Interior, including the following segments in
11 the following classes:

12 “(A) The approximately 15.7-mile segment
13 of the South Fork Calawah River from the
14 headwaters to the Sitkum River, as a wild river.

15 “(B) The approximately 0.9-mile segment
16 of the South Fork Calawah River from the
17 Sitkum River to Hyas Creek, as a scenic river.

18 “(C) The approximately 1.6-mile segment
19 of the Sitkum River from the headwaters to the
20 Rugged Ridge Wilderness boundary, as a wild
21 river.

22 “(D) The approximately 11.9-mile segment
23 of the Sitkum River from the Rugged Ridge
24 Wilderness boundary to the confluence with the
25 South Fork Calawah, as a scenic river.

1 “(248) SOL DUC RIVER, WASHINGTON.—The
2 segment of the Sol Duc River from the headwaters
3 to the Olympic National Park boundary to be ad-
4 ministered by the Secretary of the Interior, including
5 the following segments of the mainstem and certain
6 tributaries in the following classes:

7 “(A) The approximately 7.0-mile segment
8 of the Sol Duc River from the headwaters to
9 the end of Sol Duc Hot Springs Road, as a wild
10 river.

11 “(B) The approximately 10.8-mile segment
12 of the Sol Duc River from the end of Sol Duc
13 Hot Springs Road to the Olympic National
14 Park boundary, as a scenic river.

15 “(C) The approximately 14.2-mile segment
16 of the North Fork Sol Duc River from the
17 headwaters to the Olympic Hot Springs Road
18 bridge, as a wild river.

19 “(D) The approximately 0.2-mile segment
20 of the North Fork Sol Duc River from the
21 Olympic Hot Springs Road bridge to the con-
22 fluence with the Sol Duc River, as a scenic
23 river.

24 “(E) The approximately 8.0-mile segment
25 of the South Fork Sol Duc River from the

1 headwaters to the confluence with the Sol Duc
2 River, as a scenic river.

3 “(249) LYRE RIVER, WASHINGTON.—The ap-
4 proximately 0.2-mile segment of the Lyre River from
5 Lake Crescent to the Olympic National Park bound-
6 ary, to be administered by the Secretary of the Inte-
7 rior as a scenic river.”.

8 (b) EFFECT.—The amendment made by subsection
9 (a) does not affect valid existing water rights.

10 (c) UPDATES TO LAND AND RESOURCE MANAGE-
11 MENT PLANS.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), not later than 3 years after the date of
14 the enactment of this subtitle, the Secretary of Agri-
15 culture shall, with respect to the designations made
16 under subsection (a) on lands under the jurisdiction
17 of the Secretary, incorporate such designations into
18 updated management plans for units of the National
19 Forest System in accordance with applicable laws
20 (including regulations).

21 (2) EXCEPTION.—The date specified in para-
22 graph (1) shall be 5 years after the date of the en-
23 actment of this subtitle if the Secretary of Agri-
24 culture—

1 (A) is unable to meet the requirement
2 under such paragraph by the date specified in
3 such paragraph; and

4 (B) not later than 3 years after the date
5 of the enactment of this subtitle, includes in the
6 Department of Agriculture annual budget sub-
7 mission to Congress a request for additional
8 sums as may be necessary to meet the require-
9 ment of such paragraph.

10 (3) COMPREHENSIVE MANAGEMENT PLAN RE-
11 QUIREMENTS.—Updated management plans under
12 paragraph (1) or (2) satisfy the requirements under
13 section 3(d) of the Wild and Scenic Rivers Act (16
14 U.S.C. 1274(d)).

15 **SEC. 5553. EXISTING RIGHTS AND WITHDRAWAL.**

16 (a) IN GENERAL.—In accordance with section 12(b)
17 of the National Wild and Scenic Rivers Act (16 U.S.C.
18 1283(b)), nothing in this subtitle or the amendment made
19 by section 302(a) affects or abrogates existing rights,
20 privileges, or contracts held by private parties, nor does
21 this subtitle in any way modify or direct the management,
22 acquisition, or disposition of lands managed by the Wash-
23 ington Department of Natural Resources on behalf of the
24 State of Washington.

1 (b) WITHDRAWAL.—Subject to valid existing rights,
2 the Federal land within the boundaries of the river seg-
3 ments designated by this subtitle and the amendment
4 made by section 302(a) is withdrawn from all forms of—

5 (1) entry, appropriation, or disposal under the
6 public land laws;

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) disposition under all laws relating to min-
10 eral and geothermal leasing or mineral materials.

11 **SEC. 5554. TREATY RIGHTS.**

12 Nothing in this subtitle alters, modifies, diminishes,
13 or extinguishes the reserved treaty rights of any Indian
14 tribe with hunting, fishing, gathering, and cultural or reli-
15 gious rights as protected by a treaty.

16 **Subtitle D—Central Coast Heritage**
17 **Protection**

18 **SEC. 5561. DEFINITIONS.**

19 In this subtitle:

20 (1) SCENIC AREAS.—The term “scenic area”
21 means a scenic area designated by section 407(a).

22 (2) SECRETARY.—The term “Secretary”
23 means—

1 (A) with respect to land managed by the
2 Bureau of Land Management, the Secretary of
3 the Interior; and

4 (B) with respect to land managed by the
5 Forest Service, the Secretary of Agriculture.

6 (3) STATE.—The term “State” means the State
7 of California.

8 (4) WILDERNESS AREA.—The term “wilderness
9 area” means a wilderness area or wilderness addi-
10 tion designated by section 402(a).

11 **SEC. 5562. DESIGNATION OF WILDERNESS.**

12 (a) IN GENERAL.—In accordance with the Wilderness
13 Act (16 U.S.C. 1131 et seq.), the following areas in the
14 State are designated as wilderness areas and as compo-
15 nents of the National Wilderness Preservation System:

16 (1) Certain land in the Bakersfield Field Office
17 of the Bureau of Land Management comprising ap-
18 proximately 35,116 acres, as generally depicted on
19 the map entitled “Proposed Caliente Mountain Wil-
20 derness” and dated November 13, 2019, which shall
21 be known as the “Caliente Mountain Wilderness”.

22 (2) Certain land in the Bakersfield Field Office
23 of the Bureau of Land Management comprising ap-
24 proximately 13,332 acres, as generally depicted on
25 the map entitled “Proposed Soda Lake Wilderness”

1 and dated June 25, 2019, which shall be known as
2 the “Soda Lake Wilderness”.

3 (3) Certain land in the Bakersfield Field Office
4 of the Bureau of Land Management comprising ap-
5 proximately 12,585 acres, as generally depicted on
6 the map entitled “Proposed Temblor Range Wilder-
7 ness” and dated June 25, 2019, which shall be
8 known as the “Temblor Range Wilderness”.

9 (4) Certain land in the Los Padres National
10 Forest comprising approximately 23,670 acres, as
11 generally depicted on the map entitled “Chumash
12 Wilderness Area Additions—Proposed” and dated
13 March 29, 2019, which shall be incorporated into
14 and managed as part of the Chumash Wilderness as
15 designated by the Los Padres Condor Range and
16 River Protection Act (Public Law 102–301; 106
17 Stat. 242).

18 (5) Certain land in the Los Padres National
19 Forest comprising approximately 54,036 acres, as
20 generally depicted on the maps entitled “Dick Smith
21 Wilderness Area Additions—Proposed Map 1 of 2
22 (Bear Canyon and Cuyama Peak Units)” and “Dick
23 Smith Wilderness Area Additions—Proposed Map 2
24 of 2 (Buckhorn and Mono Units)” and dated No-
25 vember 14, 2019, which shall be incorporated into

1 and managed as part of the Dick Smith Wilderness
2 as designated by the California Wilderness Act of
3 1984 (Public Law 98–425; 16 U.S.C. 1132 note).

4 (6) Certain land in the Los Padres National
5 Forest and the Bakersfield Field Office of the Bu-
6 reau of Land Management comprising approximately
7 7,289 acres, as generally depicted on the map enti-
8 tled “Garcia Wilderness Area Additions—Proposed”
9 and dated March 29, 2019, which shall be incor-
10 porated into and managed as part of the Garcia Wil-
11 derness as designated by the Los Padres Condor
12 Range and River Protection Act (Public Law 102–
13 301; 106 Stat. 242).

14 (7) Certain land in the Los Padres National
15 Forest and the Bakersfield Field Office of the Bu-
16 reau of Land Management comprising approximately
17 8,774 acres, as generally depicted on the map enti-
18 tled “Machesna Mountain Wilderness—Proposed
19 Additions” and dated October 30, 2019, which shall
20 be incorporated into and managed as part of the
21 Machesna Mountain Wilderness as designated by the
22 California Wilderness Act of 1984 (Public Law 98–
23 425; 16 U.S.C. 1132 note).

24 (8) Certain land in the Los Padres National
25 Forest comprising approximately 30,184 acres, as

1 generally depicted on the map entitled “Matilija Wil-
2 derness Area Additions—Proposed” and dated
3 March 29, 2019, which shall be incorporated into
4 and managed as part of the Matilija Wilderness as
5 designated by the Los Padres Condor Range and
6 River Protection Act (Public Law 102–301; 106
7 Stat. 242).

8 (9) Certain land in the Los Padres National
9 Forest comprising approximately 23,969 acres, as
10 generally depicted on the map entitled “San Rafael
11 Wilderness Area Additions—Proposed” and dated
12 February 2, 2021, which shall be incorporated into
13 and managed as part of the San Rafael Wilderness
14 as designated by Public Law 90–271 (82 Stat. 51),
15 the California Wilderness Act of 1984 (Public Law
16 98–425; 16 U.S.C. 1132 note), and the Los Padres
17 Condor Range and River Protection Act (Public Law
18 102–301; 106 Stat. 242).

19 (10) Certain land in the Los Padres National
20 Forest comprising approximately 2,921 acres, as
21 generally depicted on the map entitled “Santa Lucia
22 Wilderness Area Additions—Proposed” and dated
23 March 29, 2019, which shall be incorporated into
24 and managed as part of the Santa Lucia Wilderness
25 as designated by the Endangered American Wilder-

1 ness Act of 1978 (Public Law 95–237; 16 U.S.C.
2 1132 note).

3 (11) Certain land in the Los Padres National
4 Forest comprising approximately 14,313 acres, as
5 generally depicted on the map entitled “Sespe Wil-
6 derness Area Additions—Proposed” and dated
7 March 29, 2019, which shall be incorporated into
8 and managed as part of the Sespe Wilderness as
9 designated by the Los Padres Condor Range and
10 River Protection Act (Public Law 102–301; 106
11 Stat. 242).

12 (12) Certain land in the Los Padres National
13 Forest comprising approximately 17,870 acres, as
14 generally depicted on the map entitled “Diablo
15 Caliente Wilderness Area—Proposed” and dated
16 March 29, 2019, which shall be known as the “Dia-
17 blo Caliente Wilderness”.

18 (b) MAPS AND LEGAL DESCRIPTIONS.—

19 (1) IN GENERAL.—As soon as practicable after
20 the date of enactment of this subtitle, the Secretary
21 shall file maps and legal descriptions of the wilder-
22 ness areas with—

23 (A) the Committee on Energy and Natural
24 Resources of the Senate; and

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

3 (2) FORCE OF LAW.—The maps and legal de-
4 scriptions filed under paragraph (1) shall have the
5 same force and effect as if included in this subtitle,
6 except that the Secretary may correct any clerical
7 and typographical errors in the maps and legal de-
8 scriptions.

9 (3) PUBLIC AVAILABILITY.—The maps and
10 legal descriptions filed under paragraph (1) shall be
11 on file and available for public inspection in the ap-
12 propriate offices of the Forest Service and Bureau
13 of Land Management.

14 **SEC. 5563. DESIGNATION OF THE MACHESNA MOUNTAIN**
15 **POTENTIAL WILDERNESS.**

16 (a) DESIGNATION.—In furtherance of the purposes of
17 the Wilderness Act (16 U.S.C. 1131 et seq.), certain land
18 in the Los Padres National Forest comprising approxi-
19 mately 2,359 acres, as generally depicted on the map enti-
20 tled “Machesna Mountain Potential Wilderness” and
21 dated March 29, 2019, is designated as the Machesna
22 Mountain Potential Wilderness Area.

23 (b) MAP AND LEGAL DESCRIPTION.—

24 (1) IN GENERAL.—As soon as practicable after
25 the date of enactment of this subtitle, the Secretary

1 shall file a map and legal description of the
2 Machesna Mountain Potential Wilderness Area (re-
3 ferred to in this section as the “potential wilderness
4 area”) with—

5 (A) the Committee on Energy and Natural
6 Resources of the Senate; and

7 (B) the Committee on Natural Resources
8 of the House of Representatives.

9 (2) FORCE OF LAW.—The map and legal de-
10 scription filed under paragraph (1) shall have the
11 same force and effect as if included in this subtitle,
12 except that the Secretary may correct any clerical
13 and typographical errors in the map and legal de-
14 scription.

15 (3) PUBLIC AVAILABILITY.—The map and legal
16 description filed under paragraph (1) shall be on file
17 and available for public inspection in the appropriate
18 offices of the Forest Service.

19 (c) MANAGEMENT.—Except as provided in subsection
20 (d) and subject to valid existing rights, the Secretary shall
21 manage the potential wilderness area in accordance with
22 the Wilderness Act (16 U.S.C. 1131 et seq.).

23 (d) TRAIL USE, CONSTRUCTION, RECONSTRUCTION,
24 AND REALIGNMENT.—

1 (1) IN GENERAL.—In accordance with para-
2 graph (2), the Secretary may reconstruct, realign, or
3 reroute the Pine Mountain Trail.

4 (2) REQUIREMENT.—In carrying out the recon-
5 struction, realignment, or rerouting under paragraph
6 (1), the Secretary shall—

7 (A) comply with all existing laws (including
8 regulations); and

9 (B) to the maximum extent practicable,
10 use the minimum tool or administrative practice
11 necessary to accomplish the reconstruction, re-
12 alignment, or rerouting with the least amount
13 of adverse impact on wilderness character and
14 resources.

15 (3) MOTORIZED VEHICLES AND MACHINERY.—
16 In accordance with paragraph (2), the Secretary
17 may use motorized vehicles and machinery to carry
18 out the trail reconstruction, realignment, or rerout-
19 ing authorized by this subsection.

20 (4) MOTORIZED AND MECHANIZED VEHI-
21 CLES.—The Secretary may permit the use of motor-
22 ized and mechanized vehicles on the existing Pine
23 Mountain Trail in accordance with existing law (in-
24 cluding regulations) and this subsection until such

1 date as the potential wilderness area is designated
2 as wilderness in accordance with subsection (h).

3 (e) WITHDRAWAL.—Subject to valid existing rights,
4 the Federal land in the potential wilderness area is with-
5 drawn from all forms of—

6 (1) entry, appropriation, or disposal under the
7 public land laws;

8 (2) location, entry, and patent under the mining
9 laws; and

10 (3) disposition under all laws pertaining to min-
11 eral and geothermal leasing or mineral materials.

12 (f) COOPERATIVE AGREEMENTS.—In carrying out
13 this section, the Secretary may enter into cooperative
14 agreements with State, Tribal, and local governmental en-
15 tities and private entities to complete the trail reconstruc-
16 tion, realignment, or rerouting authorized by subsection
17 (d).

18 (g) BOUNDARIES.—The Secretary shall modify the
19 boundary of the potential wilderness area to exclude any
20 area within 150 feet of the centerline of the new location
21 of any trail that has been reconstructed, realigned, or re-
22 routed under subsection (d).

23 (h) WILDERNESS DESIGNATION.—

24 (1) IN GENERAL.—The potential wilderness
25 area, as modified under subsection (g), shall be des-

1 ignated as wilderness and as a component of the Na-
2 tional Wilderness Preservation System on the earlier
3 of—

4 (A) the date on which the Secretary pub-
5 lishes in the Federal Register notice that the
6 trail reconstruction, realignment, or rerouting
7 authorized by subsection (d) has been com-
8 pleted; or

9 (B) the date that is 20 years after the date
10 of enactment of this subtitle.

11 (2) ADMINISTRATION OF WILDERNESS.—On
12 designation as wilderness under this section, the po-
13 tential wilderness area shall be—

14 (A) incorporated into the Machesna Moun-
15 tain Wilderness Area, as designated by the Cali-
16 fornia Wilderness Act of 1984 (Public Law 98-
17 425; 16 U.S.C. 1132 note) and expanded by
18 section 402; and

19 (B) administered in accordance with sec-
20 tion 404 and the Wilderness Act (16 U.S.C.
21 1131 et seq.).

22 **SEC. 5564. ADMINISTRATION OF WILDERNESS.**

23 (a) IN GENERAL.—Subject to valid existing rights,
24 the wilderness areas shall be administered by the Sec-

1 retary in accordance with this subtitle and the Wilderness
2 Act (16 U.S.C. 1131 et seq.), except that—

3 (1) any reference in the Wilderness Act (16
4 U.S.C. 1131 et seq.) to the effective date of that Act
5 shall be considered to be a reference to the date of
6 enactment of this subtitle; and

7 (2) any reference in the Wilderness Act (16
8 U.S.C. 1131 et seq.) to the Secretary of Agriculture
9 shall be considered to be a reference to the Secretary
10 that has jurisdiction over the wilderness area.

11 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
12 TIES.—

13 (1) IN GENERAL.—The Secretary may take any
14 measures in a wilderness area as are necessary for
15 the control of fire, insects, and diseases in accord-
16 ance with section 4(d)(1) of the Wilderness Act (16
17 U.S.C. 1133(d)(1)) and House Report 98–40 of the
18 98th Congress.

19 (2) FUNDING PRIORITIES.—Nothing in this
20 subtitle limits funding for fire and fuels manage-
21 ment in the wilderness areas.

22 (3) REVISION AND DEVELOPMENT OF LOCAL
23 FIRE MANAGEMENT PLANS.—As soon as practicable
24 after the date of enactment of this subtitle, the Sec-
25 retary shall amend the local information in the Fire

1 Management Reference System or individual oper-
2 ational plans that apply to the land designated as a
3 wilderness area.

4 (4) ADMINISTRATION.—Consistent with para-
5 graph (1) and other applicable Federal law, to en-
6 sure a timely and efficient response to fire emer-
7 gencies in the wilderness areas, the Secretary shall
8 enter into agreements with appropriate State or
9 local firefighting agencies.

10 (c) GRAZING.—The grazing of livestock in the wilder-
11 ness areas, if established before the date of enactment of
12 this subtitle, shall be permitted to continue, subject to any
13 reasonable regulations as the Secretary considers nec-
14 essary in accordance with—

15 (1) section 4(d)(4) of the Wilderness Act (16
16 U.S.C. 1133(d)(4));

17 (2) the guidelines set forth in Appendix A of
18 House Report 101–405, accompanying H.R. 2570 of
19 the 101st Congress for land under the jurisdiction of
20 the Secretary of the Interior;

21 (3) the guidelines set forth in House Report
22 96–617, accompanying H.R. 5487 of the 96th Con-
23 gress for land under the jurisdiction of the Secretary
24 of Agriculture; and

1 (4) all other laws governing livestock grazing on
2 Federal public land.

3 (d) FISH AND WILDLIFE.—

4 (1) IN GENERAL.—In accordance with section
5 4(d)(7) of the Wilderness Act (16 U.S.C.
6 1133(d)(7)), nothing in this subtitle affects the ju-
7 risdiction or responsibilities of the State with respect
8 to fish and wildlife on public land in the State.

9 (2) MANAGEMENT ACTIVITIES.—In furtherance
10 of the purposes and principles of the Wilderness Act
11 (16 U.S.C. 1131 et seq.), the Secretary may conduct
12 any management activities that are necessary to
13 maintain or restore fish and wildlife populations and
14 habitats in the wilderness areas, if the management
15 activities are—

16 (A) consistent with relevant wilderness
17 management plans;

18 (B) conducted in accordance with appro-
19 priate policies, such as the policies established
20 in Appendix B of House Report 101–405; and

21 (C) in accordance with memoranda of un-
22 derstanding between the Federal agencies and
23 the State Department of Fish and Wildlife.

24 (e) BUFFER ZONES.—

1 (1) IN GENERAL.—Congress does not intend for
2 the designation of wilderness areas by this subtitle
3 to lead to the creation of protective perimeters or
4 buffer zones around each wilderness area.

5 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—
6 The fact that nonwilderness activities or uses can be
7 seen or heard from within a wilderness area shall
8 not, of itself, preclude the activities or uses up to the
9 boundary of the wilderness area.

10 (f) MILITARY ACTIVITIES.—Nothing in this subtitle
11 precludes—

12 (1) low-level overflights of military aircraft over
13 the wilderness areas;

14 (2) the designation of new units of special air-
15 space over the wilderness areas; or

16 (3) the use or establishment of military flight
17 training routes over wilderness areas.

18 (g) HORSES.—Nothing in this subtitle precludes
19 horseback riding in, or the entry of recreational saddle or
20 pack stock into, a wilderness area—

21 (1) in accordance with section 4(d)(5) of the
22 Wilderness Act (16 U.S.C. 1133(d)(5)); and

23 (2) subject to any terms and conditions deter-
24 mined to be necessary by the Secretary.

1 (h) WITHDRAWAL.—Subject to valid existing rights,
2 the wilderness areas are withdrawn from—

3 (1) all forms of entry, appropriation, and dis-
4 posal under the public land laws;

5 (2) location, entry, and patent under the mining
6 laws; and

7 (3) disposition under all laws pertaining to min-
8 eral and geothermal leasing or mineral materials.

9 (i) INCORPORATION OF ACQUIRED LAND AND INTER-
10 ESTS.—Any land within the boundary of a wilderness area
11 that is acquired by the United States shall—

12 (1) become part of the wilderness area in which
13 the land is located; and

14 (2) be managed in accordance with—

15 (A) this section;

16 (B) the Wilderness Act (16 U.S.C. 1131 et
17 seq.); and

18 (C) any other applicable law.

19 (j) TREATMENT OF EXISTING WATER DIVERSIONS IN
20 THE SAN RAFAEL WILDERNESS ADDITIONS.—

21 (1) AUTHORIZATION FOR CONTINUED USE.—

22 The Secretary of Agriculture may issue a special use
23 authorization to the owners of the 2 existing water
24 transport or diversion facilities, including adminis-
25 trative access roads (in this subsection referred to as

1 a “facility”), located on National Forest System
2 land in the San Rafael Wilderness Additions in the
3 Moon Canyon unit (T. 11 N., R. 30 W., secs. 13
4 and 14) and the Peak Mountain unit (T. 10 N., R.
5 28 W., secs. 23 and 26) for the continued operation,
6 maintenance, and reconstruction of the facility if the
7 Secretary determines that—

8 (A) the facility was in existence on the
9 date on which the land on which the facility is
10 located was designated as part of the National
11 Wilderness Preservation System (in this sub-
12 section referred to as “the date of designa-
13 tion”);

14 (B) the facility has been in substantially
15 continuous use to deliver water for the bene-
16 ficial use on the non-Federal land of the owner
17 since the date of designation;

18 (C) the owner of the facility holds a valid
19 water right for use of the water on the non-
20 Federal land of the owner under State law, with
21 a priority date that predates the date of des-
22 ignation; and

23 (D) it is not practicable or feasible to relo-
24 cate the facility to land outside of the wilder-
25 ness and continue the beneficial use of water on

1 the non-Federal land recognized under State
2 law.

3 (2) TERMS AND CONDITIONS.—

4 (A) REQUIRED TERMS AND CONDITIONS.—

5 In a special use authorization issued under
6 paragraph (1), the Secretary may—

7 (i) allow use of motorized equipment
8 and mechanized transport for operation,
9 maintenance, or reconstruction of a facil-
10 ity, if the Secretary determines that—

11 (I) the use is the minimum nec-
12 essary to allow the facility to continue
13 delivery of water to the non-Federal
14 land for the beneficial uses recognized
15 by the water right held under State
16 law; and

17 (II) the use of nonmotorized
18 equipment and nonmechanized trans-
19 port is impracticable or infeasible; and

20 (ii) preclude use of the facility for the
21 diversion or transport of water in excess of
22 the water right recognized by the State on
23 the date of designation.

24 (B) DISCRETIONARY TERMS AND CONDI-
25 TIONS.—In a special use authorization issued

1 under paragraph (1), the Secretary may require
2 or allow modification or relocation of the facility
3 in the wilderness, as the Secretary determines
4 necessary, to reduce impacts to wilderness val-
5 ues set forth in section 2 of the Wilderness Act
6 (16 U.S.C. 1131) if the beneficial use of water
7 on the non-Federal land is not diminished.

8 (k) TREATMENT OF EXISTING ELECTRICAL DIS-
9 TRIBUTION LINE IN THE SAN RAFAEL WILDERNESS AD-
10 DITIONS.—

11 (1) AUTHORIZATION FOR CONTINUED USE.—

12 The Secretary of Agriculture may issue a special use
13 authorization to the owners of the existing electrical
14 distribution line to the Plowshare Peak communica-
15 tion site (in this subsection referred to as a “facil-
16 ity”) located on National Forest System land in the
17 San Rafael Wilderness Additions in the Moon Can-
18 yon unit (T. 11 N., R. 30 W., secs. 2, 3 and 4) for
19 the continued operation, maintenance, and recon-
20 struction of the facility if the Secretary determines
21 that—

22 (A) the facility was in existence on the
23 date on which the land on which the facility is
24 located was designated as part of the National
25 Wilderness Preservation System (in this sub-

1 section referred to as “the date of designa-
2 tion”);

3 (B) the facility has been in substantially
4 continuous use to deliver electricity to the com-
5 munication site; and

6 (C) it is not practicable or feasible to relo-
7 cate the distribution line to land outside of the
8 wilderness.

9 (2) TERMS AND CONDITIONS.—

10 (A) REQUIRED TERMS AND CONDITIONS.—

11 In a special use authorization issued under
12 paragraph (1), the Secretary may allow use of
13 motorized equipment and mechanized transport
14 for operation, maintenance, or reconstruction of
15 the electrical distribution line, if the Secretary
16 determines that the use of nonmotorized equip-
17 ment and nonmechanized transport is impracti-
18 cable or infeasible.

19 (B) DISCRETIONARY TERMS AND CONDI-

20 TIONS.—In a special use authorization issued
21 under paragraph (1), the Secretary may require
22 or allow modification or relocation of the facility
23 in the wilderness, as the Secretary determines
24 necessary, to reduce impacts to wilderness val-

1 ues set forth in section 2 of the Wilderness Act
2 (16 U.S.C. 1131).

3 (l) CLIMATOLOGICAL DATA COLLECTION.—In ac-
4 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
5 and subject to terms and conditions as the Secretary may
6 prescribe, the Secretary may authorize the installation and
7 maintenance of hydrologic, meteorologic, or climatological
8 collection devices in the wilderness areas if the Secretary
9 determines that the facilities and access to the facilities
10 are essential to flood warning, flood control, or water res-
11 ervoir operation activities.

12 **SEC. 5565. DESIGNATION OF WILD AND SCENIC RIVERS.**

13 (a) INDIAN CREEK, MONO CREEK, AND MATILIJA
14 CREEK, CALIFORNIA.—Section 3(a) of the Wild and Sce-
15 nic Rivers Act (16 U.S.C. 1274(a)) is amended by adding
16 at the end the following:

17 “(231) INDIAN CREEK, CALIFORNIA.—The fol-
18 lowing segments of Indian Creek in the State of
19 California, to be administered by the Secretary of
20 Agriculture:

21 “(A) The 9.5-mile segment of Indian Creek
22 from its source in sec. 19, T. 7 N., R. 26 W.,
23 to the Dick Smith Wilderness boundary, as a
24 wild river.

1 “(B) The 1-mile segment of Indian Creek
2 from the Dick Smith Wilderness boundary to
3 0.25 miles downstream of Road 6N24, as a sce-
4 nic river.

5 “(C) The 3.9-mile segment of Indian Creek
6 from 0.25 miles downstream of Road 6N24 to
7 the southern boundary of sec. 32, T. 6 N., R.
8 26 W., as a wild river.

9 “(232) MONO CREEK, CALIFORNIA.—The fol-
10 lowing segments of Mono Creek in the State of Cali-
11 fornia, to be administered by the Secretary of Agri-
12 culture:

13 “(A) The 4.2-mile segment of Mono Creek
14 from its source in sec. 1, T. 7 N., R. 26 W.,
15 to 0.25 miles upstream of Don Victor Fire
16 Road in sec. 28, T. 7 N., R. 25 W., as a wild
17 river.

18 “(B) The 2.1-mile segment of Mono Creek
19 from 0.25 miles upstream of the Don Victor
20 Fire Road in sec. 28, T. 7 N., R. 25 W., to
21 0.25 miles downstream of Don Victor Fire
22 Road in sec. 34, T. 7 N., R. 25 W., as a rec-
23 reational river.

24 “(C) The 14.7-mile segment of Mono
25 Creek from 0.25 miles downstream of Don Vic-

1 tor Fire Road in sec. 34, T. 7 N., R. 25 W.,
2 to the Ogilvy Ranch private property boundary
3 in sec. 22, T. 6 N., R. 26 W., as a wild river.

4 “(D) The 3.5-mile segment of Mono Creek
5 from the Ogilvy Ranch private property bound-
6 ary to the southern boundary of sec. 33, T. 6
7 N., R. 26 W., as a recreational river.

8 “(233) MATILIJA CREEK, CALIFORNIA.—The
9 following segments of Matilija Creek in the State of
10 California, to be administered by the Secretary of
11 Agriculture:

12 “(A) The 7.2-mile segment of the Matilija
13 Creek from its source in sec. 25, T. 6 N., R.
14 25 W., to the private property boundary in sec.
15 9, T. 5 N., R. 24 W., as a wild river.

16 “(B) The 7.25-mile segment of the Upper
17 North Fork Matilija Creek from its source in
18 sec. 36, T. 6 N., R. 24 W., to the Matilija Wil-
19 derness boundary, as a wild river.”.

20 (b) SESPE CREEK, CALIFORNIA.—Section 3(a) of the
21 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amend-
22 ed by striking paragraph (142) and inserting the fol-
23 lowing:

24 “(142) SESPE CREEK, CALIFORNIA.—The fol-
25 lowing segments of Sespe Creek in the State of Cali-

1 fornia, to be administered by the Secretary of Agri-
2 culture:

3 “(A) The 2.7-mile segment of Sespe Creek
4 from the private property boundary in sec. 10,
5 T. 6 N., R. 24 W., to the Hartman Ranch pri-
6 vate property boundary in sec. 14, T. 6 N., R.
7 24 W., as a wild river.

8 “(B) The 15-mile segment of Sespe Creek
9 from the Hartman Ranch private property
10 boundary in sec. 14, T. 6 N., R. 24 W., to the
11 western boundary of sec. 6, T. 5 N., R. 22 W.,
12 as a recreational river.

13 “(C) The 6.1-mile segment of Sespe Creek
14 from the western boundary of sec. 6, T. 5 N.,
15 R. 22 W., to the confluence with Trout Creek,
16 as a scenic river.

17 “(D) The 28.6-mile segment of Sespe
18 Creek from the confluence with Trout Creek to
19 the southern boundary of sec. 35, T. 5 N., R.
20 20 W., as a wild river.”.

21 (c) SISQUOC RIVER, CALIFORNIA.—Section 3(a) of
22 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is
23 amended by striking paragraph (143) and inserting the
24 following:

1 “(143) SISQUOC RIVER, CALIFORNIA.—The fol-
2 lowing segments of the Sisquoc River and its tribu-
3 taries in the State of California, to be administered
4 by the Secretary of Agriculture:

5 “(A) The 33-mile segment of the main
6 stem of the Sisquoc River extending from its
7 origin downstream to the Los Padres Forest
8 boundary, as a wild river.

9 “(B) The 4.2-mile segment of the South
10 Fork Sisquoc River from its source northeast of
11 San Rafael Mountain in sec. 2, T. 7 N., R. 28
12 W., to its confluence with the Sisquoc River, as
13 a wild river.

14 “(C) The 10.4-mile segment of Manzana
15 Creek from its source west of San Rafael Peak
16 in sec. 4, T. 7 N., R. 28 W., to the San Rafael
17 Wilderness boundary upstream of Nira Camp-
18 ground, as a wild river.

19 “(D) The 0.6-mile segment of Manzana
20 Creek from the San Rafael Wilderness bound-
21 ary upstream of the Nira Campground to the
22 San Rafael Wilderness boundary downstream of
23 the confluence of Davy Brown Creek, as a rec-
24 reational river.

1 “(E) The 5.8-mile segment of Manzana
2 Creek from the San Rafael Wilderness bound-
3 ary downstream of the confluence of Davy
4 Brown Creek to the private property boundary
5 in sec. 1, T. 8 N., R. 30 W., as a wild river.

6 “(F) The 3.8-mile segment of Manzana
7 Creek from the private property boundary in
8 sec. 1, T. 8 N., R. 30 W., to the confluence of
9 the Sisquoc River, as a recreational river.

10 “(G) The 3.4-mile segment of Davy Brown
11 Creek from its source west of Ranger Peak in
12 sec. 32, T. 8 N., R. 29 W., to 300 feet up-
13 stream of its confluence with Munch Canyon, as
14 a wild river.

15 “(H) The 1.4-mile segment of Davy Brown
16 Creek from 300 feet upstream of its confluence
17 with Munch Canyon to its confluence with
18 Manzana Creek, as a recreational river.

19 “(I) The 2-mile segment of Munch Canyon
20 from its source north of Ranger Peak in sec.
21 33, T. 8 N., R. 29 W., to 300 feet upstream
22 of its confluence with Sunset Valley Creek, as
23 a wild river.

24 “(J) The 0.5-mile segment of Munch Can-
25 yon from 300 feet upstream of its confluence

1 with Sunset Valley Creek to its confluence with
2 Davy Brown Creek, as a recreational river.

3 “(K) The 2.6-mile segment of Fish Creek
4 from 500 feet downstream of Sunset Valley
5 Road to its confluence with Manzana Creek, as
6 a wild river.

7 “(L) The 1.5-mile segment of East Fork
8 Fish Creek from its source in sec. 26, T. 8 N.,
9 R. 29 W., to its confluence with Fish Creek, as
10 a wild river.”.

11 (d) PIRU CREEK, CALIFORNIA.—Section 3(a) of the
12 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amend-
13 ed by striking paragraph (199) and inserting the fol-
14 lowing:

15 “(199) PIRU CREEK, CALIFORNIA.—The fol-
16 lowing segments of Piru Creek in the State of Cali-
17 fornia, to be administered by the Secretary of Agri-
18 culture:

19 “(A) The 9.1-mile segment of Piru Creek
20 from its source in sec. 3, T. 6 N., R. 22 W.,
21 to the private property boundary in sec. 4, T.
22 6 N., R. 21 W., as a wild river.

23 “(B) The 17.2-mile segment of Piru Creek
24 from the private property boundary in sec. 4, T.

1 6 N., R. 21 W., to 0.25 miles downstream of
2 the Gold Hill Road, as a scenic river.

3 “(C) The 4.1-mile segment of Piru Creek
4 from 0.25 miles downstream of Gold Hill Road
5 to the confluence with Trail Canyon, as a wild
6 river.

7 “(D) The 7.25-mile segment of Piru Creek
8 from the confluence with Trail Canyon to the
9 confluence with Buck Creek, as a scenic river.

10 “(E) The 3-mile segment of Piru Creek
11 from 0.5 miles downstream of Pyramid Dam at
12 the first bridge crossing to the boundary of the
13 Sespe Wilderness, as a recreational river.

14 “(F) The 13-mile segment of Piru Creek
15 from the boundary of the Sespe Wilderness to
16 the boundary of the Sespe Wilderness, as a wild
17 river.

18 “(G) The 2.2-mile segment of Piru Creek
19 from the boundary of the Sespe Wilderness to
20 the upper limit of Piru Reservoir, as a rec-
21 reational river.”.

22 (e) EFFECT.—The designation of additional miles of
23 Piru Creek under subsection (d) shall not affect valid
24 water rights in existence on the date of enactment of this
25 subtitle.

1 (f) **MOTORIZED USE OF TRAILS.**—Nothing in this
2 section (including the amendments made by this section)
3 affects the motorized use of trails designated by the Forest
4 Service for motorized use that are located adjacent to and
5 crossing upper Piru Creek, if the use is consistent with
6 the protection and enhancement of river values under the
7 Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

8 **SEC. 5566. DESIGNATION OF THE FOX MOUNTAIN POTEN-**
9 **TIAL WILDERNESS.**

10 (a) **DESIGNATION.**—In furtherance of the purposes of
11 the Wilderness Act (16 U.S.C. 1131 et seq.), certain land
12 in the Los Padres National Forest comprising approxi-
13 mately 41,082 acres, as generally depicted on the map en-
14 titled “Fox Mountain Potential Wilderness Area” and
15 dated November 14, 2019, is designated as the Fox Moun-
16 tain Potential Wilderness Area.

17 (b) **MAP AND LEGAL DESCRIPTION.**—

18 (1) **IN GENERAL.**—As soon as practicable after
19 the date of enactment of this subtitle, the Secretary
20 of Agriculture shall file a map and a legal descrip-
21 tion of the Fox Mountain Potential Wilderness Area
22 (referred to in this section as the “potential wilder-
23 ness area”) with—

24 (A) the Committee on Energy and Natural
25 Resources of the Senate; and

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

3 (2) FORCE OF LAW.—The map and legal de-
4 scription filed under paragraph (1) shall have the
5 same force and effect as if included in this subtitle,
6 except that the Secretary of Agriculture may correct
7 any clerical and typographical errors in the map and
8 legal description.

9 (3) PUBLIC AVAILABILITY.—The map and legal
10 description filed under paragraph (1) shall be on file
11 and available for public inspection in the appropriate
12 offices of the Forest Service.

13 (c) MANAGEMENT.—Except as provided in subsection
14 (d) and subject to valid existing rights, the Secretary shall
15 manage the potential wilderness area in accordance with
16 the Wilderness Act (16 U.S.C. 1131 et seq.).

17 (d) TRAIL USE CONSTRUCTION, RECONSTRUCTION,
18 AND REALIGNMENT.—

19 (1) IN GENERAL.—In accordance with para-
20 graph (2), the Secretary of Agriculture may—

21 (A) construct a new trail for use by hikers,
22 equestrians, and mechanized vehicles that con-
23 nects the Aliso Park Campground to the Bull
24 Ridge Trail; and

25 (B) reconstruct or realign—

1 (i) the Bull Ridge Trail; and

2 (ii) the Rocky Ridge Trail.

3 (2) REQUIREMENT.—In carrying out the con-
4 struction, reconstruction, or alignment under para-
5 graph (1), the Secretary shall—

6 (A) comply with all existing laws (including
7 regulations); and

8 (B) to the maximum extent practicable,
9 use the minimum tool or administrative practice
10 necessary to accomplish the construction, recon-
11 struction, or alignment with the least amount of
12 adverse impact on wilderness character and re-
13 sources.

14 (3) MOTORIZED VEHICLES AND MACHINERY.—
15 In accordance with paragraph (2), the Secretary
16 may use motorized vehicles and machinery to carry
17 out the trail construction, reconstruction, or realign-
18 ment authorized by this subsection.

19 (4) MECHANIZED VEHICLES.—The Secretary
20 may permit the use of mechanized vehicles on the
21 existing Bull Ridge Trail and Rocky Ridge Trail in
22 accordance with existing law (including regulations)
23 and this subsection until such date as the potential
24 wilderness area is designated as wilderness in ac-
25 cordance with subsection (h).

1 (e) WITHDRAWAL.—Subject to valid existing rights,
2 the Federal land in the potential wilderness area is with-
3 drawn from all forms of—

4 (1) entry, appropriation, or disposal under the
5 public land laws;

6 (2) location, entry, and patent under the mining
7 laws; and

8 (3) disposition under all laws pertaining to min-
9 eral and geothermal leasing or mineral materials.

10 (f) COOPERATIVE AGREEMENTS.—In carrying out
11 this section, the Secretary may enter into cooperative
12 agreements with State, Tribal, and local governmental en-
13 tities and private entities to complete the trail construc-
14 tion, reconstruction, and realignment authorized by sub-
15 section (d).

16 (g) BOUNDARIES.—The Secretary shall modify the
17 boundary of the potential wilderness area to exclude any
18 area within 50 feet of the centerline of the new location
19 of any trail that has been constructed, reconstructed, or
20 realigned under subsection (d).

21 (h) WILDERNESS DESIGNATION.—

22 (1) IN GENERAL.—The potential wilderness
23 area, as modified under subsection (g), shall be des-
24 ignated as wilderness and as a component of the Na-

1 tional Wilderness Preservation System on the earlier
2 of—

3 (A) the date on which the Secretary pub-
4 lishes in the Federal Register notice that the
5 trail construction, reconstruction, or alignment
6 authorized by subsection (d) has been com-
7 pleted; or

8 (B) the date that is 20 years after the date
9 of enactment of this subtitle.

10 (2) ADMINISTRATION OF WILDERNESS.—On
11 designation as wilderness under this section, the po-
12 tential wilderness area shall be—

13 (A) incorporated into the San Rafael Wil-
14 derness, as designated by Public Law 90–271
15 (82 Stat. 51), the California Wilderness Act of
16 1984 (Public Law 98–425; 16 U.S.C. 1132
17 note), and the Los Padres Condor Range and
18 River Protection Act (Public Law 102–301; 106
19 Stat. 242), and section 402; and

20 (B) administered in accordance with sec-
21 tion 404 and the Wilderness Act (16 U.S.C.
22 1131 et seq.).

23 **SEC. 5567. DESIGNATION OF SCENIC AREAS.**

24 (a) IN GENERAL.—Subject to valid existing rights,
25 there are established the following scenic areas:

1 (1) CONDOR RIDGE SCENIC AREA.—Certain
2 land in the Los Padres National Forest comprising
3 approximately 18,666 acres, as generally depicted on
4 the map entitled “Condor Ridge Scenic Area—Pro-
5 posed” and dated March 29, 2019, which shall be
6 known as the “Condor Ridge Scenic Area”.

7 (2) BLACK MOUNTAIN SCENIC AREA.—Certain
8 land in the Los Padres National Forest and the Ba-
9 kersfield Field Office of the Bureau of Land Man-
10 agement comprising approximately 16,216 acres, as
11 generally depicted on the map entitled “Black Moun-
12 tain Scenic Area—Proposed” and dated March 29,
13 2019, which shall be known as the “Black Mountain
14 Scenic Area”.

15 (b) MAPS AND LEGAL DESCRIPTIONS.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this subtitle, the Secretary
18 of Agriculture shall file a map and legal description
19 of the Condor Ridge Scenic Area and Black Moun-
20 tain Scenic Area with—

21 (A) the Committee on Energy and Natural
22 Resources of the Senate; and

23 (B) the Committee on Natural Resources
24 of the House of Representatives.

1 (2) FORCE OF LAW.—The maps and legal de-
2 scriptions filed under paragraph (1) shall have the
3 same force and effect as if included in this subtitle,
4 except that the Secretary of Agriculture may correct
5 any clerical and typographical errors in the maps
6 and legal descriptions.

7 (3) PUBLIC AVAILABILITY.—The maps and
8 legal descriptions filed under paragraph (1) shall be
9 on file and available for public inspection in the ap-
10 propriate offices of the Forest Service and Bureau
11 of Land Management.

12 (c) PURPOSE.—The purpose of the scenic areas is to
13 conserve, protect, and enhance for the benefit and enjoy-
14 ment of present and future generations the ecological, sce-
15 nic, wildlife, recreational, cultural, historical, natural, edu-
16 cational, and scientific resources of the scenic areas.

17 (d) MANAGEMENT.—

18 (1) IN GENERAL.—The Secretary shall admin-
19 ister the scenic areas—

20 (A) in a manner that conserves, protects,
21 and enhances the resources of the scenic areas,
22 and in particular the scenic character attributes
23 of the scenic areas; and

24 (B) in accordance with—

25 (i) this section;

1 (ii) the Federal Land Policy and Man-
2 agement Act (43 U.S.C. 1701 et seq.) for
3 land under the jurisdiction of the Secretary
4 of the Interior;

5 (iii) any laws (including regulations)
6 relating to the National Forest System, for
7 land under the jurisdiction of the Secretary
8 of Agriculture; and

9 (iv) any other applicable law (includ-
10 ing regulations).

11 (2) USES.—The Secretary shall only allow those
12 uses of the scenic areas that the Secretary deter-
13 mines would further the purposes described in sub-
14 section (c).

15 (e) WITHDRAWAL.—Subject to valid existing rights,
16 the Federal land in the scenic areas is withdrawn from
17 all forms of—

18 (1) entry, appropriation, or disposal under the
19 public land laws;

20 (2) location, entry, and patent under the mining
21 laws; and

22 (3) disposition under all laws pertaining to min-
23 eral and geothermal leasing or mineral materials.

24 (f) PROHIBITED USES.—The following shall be pro-
25 hibited on the Federal land within the scenic areas:

1 (1) Permanent roads.

2 (2) Permanent structures.

3 (3) Timber harvesting except when necessary
4 for the purposes described in subsection (g).

5 (4) Transmission lines.

6 (5) Except as necessary to meet the minimum
7 requirements for the administration of the scenic
8 areas and to protect public health and safety—

9 (A) the use of motorized vehicles; or

10 (B) the establishment of temporary roads.

11 (6) Commercial enterprises, except as necessary
12 for realizing the purposes of the scenic areas.

13 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
14 MENT.—Consistent with this section, the Secretary may
15 take any measures in the scenic areas that the Secretary
16 determines to be necessary to control fire, insects, and dis-
17 eases, including, as the Secretary determines to be appro-
18 priate, the coordination of those activities with the State
19 or a local agency.

20 (h) ADJACENT MANAGEMENT.—The fact that an oth-
21 erwise authorized activity or use can be seen or heard
22 within a scenic area shall not preclude the activity or use
23 outside the boundary of the scenic area.

1 **SEC. 5568. CONDOR NATIONAL SCENIC TRAIL.**

2 (a) IN GENERAL.—The contiguous trail established
3 pursuant to this section shall be known as the “Condor
4 National Scenic Trail” named after the California condor,
5 a critically endangered bird species that lives along the
6 extent of the trail corridor.

7 (b) PURPOSE.—The purposes of the Condor National
8 Scenic Trail are to—

9 (1) provide a continual extended hiking corridor
10 that connects the southern and northern portions of
11 the Los Padres National Forest, spanning the entire
12 length of the forest along the coastal mountains of
13 southern and central California; and

14 (2) provide for the public enjoyment of the na-
15 tionally significant scenic, historic, natural, and cul-
16 tural qualities of the Los Padres National Forest.

17 (c) AMENDMENT.—Section 5(a) of the National
18 Trails System Act (16 U.S.C. 1244(a)) is amended by
19 adding at the end the following:

20 “(31) CONDOR NATIONAL SCENIC TRAIL.—

21 “(A) IN GENERAL.—The Condor National
22 Scenic Trail, a trail extending approximately
23 400 miles from Lake Piru in the southern por-
24 tion of the Los Padres National Forest to the
25 Botchers Gap Campground in northern portion
26 of the Los Padres National Forest.

1 “(B) ADMINISTRATION.—The trail shall be
2 administered by the Secretary of Agriculture, in
3 consultation with—

4 “(i) other Federal, State, Tribal, re-
5 gional, and local agencies;

6 “(ii) private landowners; and

7 “(iii) other interested organizations.

8 “(C) RECREATIONAL USES.—Notwith-
9 standing section 7(c), the use of motorized vehi-
10 cles on roads or trails included in the Condor
11 National Scenic Trail on which motorized vehi-
12 cles are permitted as of the date of enactment
13 of this paragraph may be permitted.

14 “(D) PRIVATE PROPERTY RIGHTS.—

15 “(i) PROHIBITION.—The Secretary
16 shall not acquire for the trail any land or
17 interest in land outside the exterior bound-
18 ary of any federally managed area without
19 the consent of the owner of land or interest
20 in land.

21 “(ii) EFFECT.—Nothing in this para-
22 graph—

23 “(I) requires any private prop-
24 erty owner to allow public access (in-
25 cluding Federal, State, or local gov-

1 ernment access) to private property;
2 or

3 “(II) modifies any provision of
4 Federal, State, or local law with re-
5 spect to public access to or use of pri-
6 vate land.

7 “(E) REALIGNMENT.—The Secretary of
8 Agriculture may realign segments of the Condor
9 National Scenic Trail as necessary to fulfill the
10 purposes of the trail.

11 “(F) MAP.—The map referred to in sub-
12 paragraph (A) shall be on file and available for
13 public inspection in the appropriate offices of
14 the Forest Service.”.

15 (d) STUDY.—

16 (1) STUDY REQUIRED.—Not later than 3 years
17 after the date of enactment of this subtitle, in ac-
18 cordance with this section, the Secretary of Agri-
19 culture shall conduct a study that—

20 (A) addresses the feasibility of, and alter-
21 natives for, connecting the northern and south-
22 ern portions of the Los Padres National Forest
23 by establishing a trail across the applicable por-
24 tions of the northern and southern Santa Lucia

1 Mountains of the southern California Coastal
2 Range; and

3 (B) considers realignment of the trail or
4 construction of new trail segments to avoid ex-
5 isting trail segments that currently allow motor-
6 ized vehicles.

7 (2) CONTENTS.—In carrying out the study re-
8 quired by paragraph (1), the Secretary of Agri-
9 culture shall—

10 (A) conform to the requirements for na-
11 tional scenic trail studies described in section
12 5(b) of the National Trails System Act (16
13 U.S.C. 1244(b));

14 (B) provide for a continual hiking route
15 through and connecting the southern and
16 northern sections of the Los Padres National
17 Forest;

18 (C) promote recreational, scenic, wilder-
19 ness and cultural values;

20 (D) enhance connectivity with the overall
21 National Forest trail system;

22 (E) consider new connectors and realign-
23 ment of existing trails;

1 (F) emphasize safe and continuous public
2 access, dispersal from high-use areas, and suit-
3 able water sources; and

4 (G) to the extent practicable, provide all-
5 year use.

6 (3) ADDITIONAL REQUIREMENT.—In com-
7 pleting the study required by paragraph (1), the
8 Secretary of Agriculture shall consult with—

9 (A) appropriate Federal, State, Tribal, re-
10 gional, and local agencies;

11 (B) private landowners;

12 (C) nongovernmental organizations; and

13 (D) members of the public.

14 (4) SUBMISSION.—The Secretary of Agriculture
15 shall submit the study required by paragraph (1)
16 to—

17 (A) the Committee on Natural Resources
18 of the House of Representatives; and

19 (B) the Committee on Energy and Natural
20 Resources of the Senate.

21 (5) ADDITIONS AND ALTERATIONS TO THE
22 CONDOR NATIONAL SCENIC TRAIL.—

23 (A) IN GENERAL.—Upon completion of the
24 study required by paragraph (1), if the Sec-
25 retary of Agriculture determines that additional

1 or alternative trail segments are feasible for in-
2 clusion in the Condor National Scenic Trail, the
3 Secretary of Agriculture shall include those seg-
4 ments in the Condor National Scenic Trail.

5 (B) EFFECTIVE DATE.—Additions or alter-
6 nations to the Condor National Scenic Trail
7 shall be effective on the date the Secretary of
8 Agriculture publishes in the Federal Register
9 notice that the additional or alternative seg-
10 ments are included in the Condor National Sce-
11 nic Trail.

12 (e) COOPERATIVE AGREEMENTS.—In carrying out
13 this section (including the amendments made by this sec-
14 tion), the Secretary of Agriculture may enter into coopera-
15 tive agreements with State, Tribal, and local government
16 entities and private entities to complete needed trail con-
17 struction, reconstruction, and realignment projects au-
18 thorized by this section (including the amendments made
19 by this section).

20 **SEC. 5569. FOREST SERVICE STUDY.**

21 Not later than 6 years after the date of enactment
22 of this subtitle, the Secretary of Agriculture (acting
23 through the Chief of the Forest Service) shall study the
24 feasibility of opening a new trail, for vehicles measuring
25 50 inches or less, connecting Forest Service Highway 95

1 to the existing off-highway vehicle trail system in the
2 Ballinger Canyon off-highway vehicle area.

3 **SEC. 5570. NONMOTORIZED RECREATION OPPORTUNITIES.**

4 Not later than 6 years after the date of enactment
5 of this subtitle, the Secretary of Agriculture, in consulta-
6 tion with interested parties, shall conduct a study to im-
7 prove nonmotorized recreation trail opportunities (includ-
8 ing mountain bicycling) on land not designated as wilder-
9 ness within the Santa Barbara, Ojai, and Mt. Pinos rang-
10 er districts.

11 **SEC. 5571. USE BY MEMBERS OF TRIBES.**

12 (a) ACCESS.—The Secretary shall ensure that Tribes
13 have access, in accordance with the Wilderness Act (16
14 U.S.C. 1131 et seq.), to the wilderness areas, scenic areas,
15 and potential wilderness areas designated by this subtitle
16 for traditional cultural and religious purposes.

17 (b) TEMPORARY CLOSURES.—

18 (1) IN GENERAL.—In carrying out this section,
19 the Secretary, on request of a Tribe, may tempo-
20 rarily close to the general public one or more specific
21 portions of a wilderness area, scenic area, or poten-
22 tial wilderness area designated by this subtitle to
23 protect the privacy of the members of the Tribe in
24 the conduct of traditional cultural and religious ac-
25 tivities.

1 (2) REQUIREMENT.—Any closure under para-
2 graph (1) shall be—

3 (A) made in such a manner as to affect
4 the smallest practicable area for the minimum
5 period of time necessary for the activity to be
6 carried out; and

7 (B) be consistent with the purpose and in-
8 tent of Public Law 95–341 (commonly known
9 as the American Indian Religious Freedom Act)
10 (42 U.S.C. 1996) and the Wilderness Act (16
11 U.S.C. 1131 et seq.).

12 **Subtitle E—San Gabriel Mountains**
13 **Foothills and Rivers Protection**

14 **SEC. 5580. DEFINITION OF STATE.**

15 In this subtitle, the term “State” means the State
16 of California.

17 **PART 1—SAN GABRIEL NATIONAL RECREATION**
18 **AREA**

19 **SEC. 5581. PURPOSES.**

20 The purposes of this part are—

21 (1) to conserve, protect, and enhance for the
22 benefit and enjoyment of present and future genera-
23 tions the ecological, scenic, wildlife, recreational, cul-
24 tural, historical, natural, educational, and scientific
25 resources of the Recreation Area;

1 (2) to provide environmentally responsible, well-
2 managed recreational opportunities within the
3 Recreation Area;

4 (3) to improve access to and from the Recre-
5 ation Area;

6 (4) to provide expanded educational and inter-
7 pretive services to increase public understanding of,
8 and appreciation for, the natural and cultural re-
9 sources of the Recreation Area;

10 (5) to facilitate the cooperative management of
11 the land and resources within the Recreation Area,
12 in collaboration with the State and political subdivi-
13 sions of the State, historical, business, cultural,
14 civic, recreational, tourism and other nongovern-
15 mental organizations, and the public; and

16 (6) to allow the continued use of the Recreation
17 Area by all individuals, entities, and local govern-
18 ment agencies in activities relating to integrated
19 water management, flood protection, water conserva-
20 tion, water quality, water rights, water supply,
21 groundwater recharge and monitoring, wastewater
22 treatment, public roads and bridges, and utilities
23 within or adjacent to the Recreation Area.

24 **SEC. 5582. DEFINITIONS.**

25 In this part:

1 (1) ADJUDICATION.—The term “adjudication”
2 means any final judgment, order, ruling, or decree
3 entered in any judicial proceeding adjudicating or af-
4 fecting water rights, surface water management, or
5 groundwater management.

6 (2) ADVISORY COUNCIL.—The term “Advisory
7 Council” means the San Gabriel National Recreation
8 Area Public Advisory Council established under sec-
9 tion 5517(a).

10 (3) FEDERAL LANDS.—The term “Federal
11 lands” means—

12 (A) public lands under the jurisdiction of
13 the Secretary of the Interior; and

14 (B) lands under the jurisdiction of the Sec-
15 retary of Defense, acting through the Chief of
16 Engineers.

17 (4) MANAGEMENT PLAN.—The term “manage-
18 ment plan” means the management plan for the
19 Recreation Area required under section 5514(d).

20 (5) PARTNERSHIP.—The term “Partnership”
21 means the San Gabriel National Recreation Area
22 Partnership established by section 5518(a).

23 (6) PUBLIC WATER SYSTEM.—The term “public
24 water system” has the meaning given the term in 42

1 U.S.C. 300(f)(4) or in section 116275 of the Cali-
2 fornia Health and Safety Code.

3 (7) RECREATION AREA.—The term “Recreation
4 Area” means the San Gabriel National Recreation
5 Area established by section 5513(a).

6 (8) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (9) UTILITY FACILITY.—The term “utility facil-
9 ity” means—

10 (A) any electric substations, communica-
11 tion facilities, towers, poles, and lines, ground
12 wires, communication circuits, and other struc-
13 tures, and related infrastructure; and

14 (B) any such facilities associated with a
15 public water system.

16 (10) WATER RESOURCE FACILITY.—The term
17 “water resource facility” means irrigation and
18 pumping facilities, dams and reservoirs, flood control
19 facilities, water conservation works, including debris
20 protection facilities, sediment placement sites, rain
21 gauges and stream gauges, water quality facilities,
22 recycled water facilities, water pumping, conveyance
23 and distribution systems, water storage tanks and
24 reservoirs, and water treatment facilities, aqueducts,
25 canals, ditches, pipelines, wells, hydropower projects,

1 and transmission and other ancillary facilities,
2 groundwater recharge facilities, water conservation,
3 water filtration plants, and other water diversion,
4 conservation, groundwater recharge, storage, and
5 carriage structures.

6 **SEC. 5583. SAN GABRIEL NATIONAL RECREATION AREA.**

7 (a) ESTABLISHMENT; BOUNDARIES.—Subject to
8 valid existing rights, there is established as a unit of the
9 National Park System in the State the San Gabriel Na-
10 tional Recreation Area, which shall consist of approxi-
11 mately 49,387 acres of Federal land and interests in land
12 in the State depicted as the “Proposed San Gabriel Na-
13 tional Recreation Area” on the map entitled “San Gabriel
14 National Recreation Area Proposed Boundary” and dated
15 July 2019.

16 (b) MAP AND LEGAL DESCRIPTION.—

17 (1) IN GENERAL.—As soon as practicable after
18 the date of the enactment of this subtitle, the Sec-
19 retary shall file a map and a legal description of the
20 Recreation Area with—

21 (A) the Committee on Energy and Natural
22 Resources of the Senate; and

23 (B) the Committee on Natural Resources
24 of the House of Representatives.

1 (2) FORCE OF LAW.—The map and legal de-
2 scription filed under paragraph (1) shall have the
3 same force and effect as if included in this subtitle,
4 except that the Secretary may correct any clerical or
5 typographical error in the map or legal description.

6 (3) PUBLIC AVAILABILITY.—The map and legal
7 description filed under paragraph (1) shall be on file
8 and available for public inspection in the appropriate
9 offices of the National Park Service.

10 (c) ADMINISTRATION AND JURISDICTION.—

11 (1) PUBLIC LANDS.—The public lands included
12 in the Recreation Area shall be administered by the
13 Secretary, acting through the Director of the Na-
14 tional Park Service.

15 (2) DEPARTMENT OF DEFENSE LAND.—Al-
16 though certain Federal lands under the jurisdiction
17 of the Secretary of Defense are included in the
18 recreation area, nothing in this part transfers ad-
19 ministration jurisdiction of such Federal lands from
20 the Secretary of Defense or otherwise affects Fed-
21 eral lands under the jurisdiction of the Secretary of
22 Defense.

23 (3) STATE AND LOCAL JURISDICTION.—Noth-
24 ing in this part alters, modifies, or diminishes any
25 right, responsibility, power, authority, jurisdiction,

1 or entitlement of the State, a political subdivision of
2 the State, including, but not limited to courts of
3 competent jurisdiction, regulatory commissions,
4 boards, and departments, or any State or local agen-
5 cy under any applicable Federal, State, or local law
6 (including regulations).

7 **SEC. 5584. MANAGEMENT.**

8 (a) NATIONAL PARK SYSTEM.—Subject to valid ex-
9 isting rights, the Secretary shall manage the public lands
10 included in the Recreation Area in a manner that protects
11 and enhances the natural resources and values of the pub-
12 lic lands, in accordance with—

13 (1) this part;

14 (2) section 100101(a), chapter 1003, and sec-
15 tions 100751(a), 100752, 100753 and 102101 of
16 title 54, United States Code (formerly known as the
17 “National Park Service Organic Act”);

18 (3) the laws generally applicable to units of the
19 National Park System; and

20 (4) other applicable law, regulations, adjudica-
21 tions, and orders.

22 (b) COOPERATION WITH SECRETARY OF DE-
23 FENSE.—The Secretary shall cooperate with the Secretary
24 of Defense to develop opportunities for the management
25 of the Federal land under the jurisdiction of the Secretary

1 of Defense included in the Recreation Area in accordance
2 with the purposes described in section 5511, to the max-
3 imum extent practicable.

4 (c) TREATMENT OF NON-FEDERAL LAND.—

5 (1) IN GENERAL.—Nothing in this part—

6 (A) authorizes the Secretary to take any
7 action that would affect the use of any land not
8 owned by the United States within the Recre-
9 ation Area;

10 (B) affects the use of, or access to, any
11 non-Federal land within the Recreation Area;

12 (C) modifies any provision of Federal,
13 State, or local law with respect to public access
14 to, or use of, non-Federal land;

15 (D) requires any owner of non-Federal
16 land to allow public access (including Federal,
17 State, or local government access) to private
18 property or any other non-Federal land;

19 (E) alters any duly adopted land use regu-
20 lation, approved land use plan, or any other
21 regulatory authority of any State or local agen-
22 cy or unit of Tribal government;

23 (F) creates any liability, or affects any li-
24 ability under any other law, of any private
25 property owner or other owner of non-Federal

1 land with respect to any person injured on the
2 private property or other non-Federal land;

3 (G) conveys to the Partnership any land
4 use or other regulatory authority;

5 (H) shall be construed to cause any Fed-
6 eral, State, or local regulation or permit re-
7 quirement intended to apply to units of the Na-
8 tional Park System to affect the federal lands
9 under the jurisdiction of the Secretary of De-
10 fense or non-Federal lands within the bound-
11 aries of the recreation area; or

12 (I) requires any local government to par-
13 ticipate in any program administered by the
14 Secretary.

15 (2) COOPERATION.—The Secretary is encour-
16 aged to work with owners of non-Federal land who
17 have agreed to cooperate with the Secretary to ad-
18 vance the purposes of this part.

19 (3) BUFFER ZONES.—

20 (A) IN GENERAL.—Nothing in this part es-
21 tablishes any protective perimeter or buffer
22 zone around the Recreation Area.

23 (B) ACTIVITIES OR USES UP TO BOUND-
24 ARIES.—The fact that an activity or use of land
25 can be seen or heard from within the Recre-

1 ation Area shall not preclude the activity or
2 land use up to the boundary of the Recreation
3 Area.

4 (4) FACILITIES.—Nothing in this part affects
5 the operation, maintenance, modification, construc-
6 tion, destruction, removal, relocation, improvement
7 or expansion of any water resource facility or public
8 water system, or any solid waste, sanitary sewer,
9 water or waste-water treatment, groundwater re-
10 charge or conservation, hydroelectric, conveyance
11 distribution system, recycled water facility, or utility
12 facility located within or adjacent to the Recreation
13 Area.

14 (5) EXEMPTION.—Section 100903 of title 54,
15 United States Code, shall not apply to the Puente
16 Hills landfill, materials recovery facility, or inter-
17 modal facility.

18 (d) MANAGEMENT PLAN.—

19 (1) DEADLINE.—Not later than 3 years after
20 the date of the enactment of this subtitle, the Sec-
21 retary and the Advisory Council shall establish a
22 comprehensive management plan for the Recreation
23 Area that supports the purposes described in section
24 5511.

1 (2) USE OF EXISTING PLANS.—In developing
2 the management plan, to the extent consistent with
3 this section, the Secretary may incorporate any pro-
4 vision of a land use or other plan applicable to the
5 public lands included in the Recreation Area.

6 (3) INCORPORATION OF VISITOR SERVICES
7 PLAN.—To the maximum extent practicable, the
8 Secretary shall incorporate into the management
9 plan the visitor services plan under section
10 5519(a)(2).

11 (4) PARTNERSHIP.—In developing the manage-
12 ment plan, the Secretary shall consider recommenda-
13 tions of the Partnership. To the maximum extent
14 practicable, the Secretary shall incorporate rec-
15 ommendations of the Partnership into the manage-
16 ment plan if the Secretary determines that the rec-
17 ommendations are feasible and consistent with the
18 purposes in section 5511, this part, and applicable
19 laws (including regulations).

20 (e) FISH AND WILDLIFE.—Nothing in this part af-
21 fects the jurisdiction of the State with respect to fish or
22 wildlife located on public lands in the State.

23 **SEC. 5585. ACQUISITION OF NON-FEDERAL LAND WITHIN**
24 **RECREATION AREA.**

25 (a) LIMITED ACQUISITION AUTHORITY.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary may acquire non-Federal land within
3 the boundaries of the Recreation Area only through
4 exchange, donation, or purchase from a willing sell-
5 er.

6 (2) ADDITIONAL REQUIREMENT.—As a further
7 condition on the acquisition of land, the Secretary
8 shall make a determination that the land contains
9 important biological, cultural, historic, or rec-
10 reational values.

11 (b) PROHIBITION ON USE OF EMINENT DOMAIN.—
12 Nothing in this part authorizes the use of eminent domain
13 to acquire land or an interest in land.

14 (c) TREATMENT OF ACQUIRED LAND.—Any land or
15 interest in land acquired by the United States within the
16 boundaries of the Recreation Area shall be—

17 (1) included in the Recreation Area; and

18 (2) administered by the Secretary in accordance
19 with—

20 (A) this part; and

21 (B) other applicable laws (including regu-
22 lations).

1 **SEC. 5586. WATER RIGHTS; WATER RESOURCE FACILITIES;**
2 **PUBLIC ROADS; UTILITY FACILITIES.**

3 (a) NO EFFECT ON WATER RIGHTS.—Nothing in
4 this part or section 5522—

5 (1) shall affect the use or allocation, as in exist-
6 ence on the date of the enactment of this subtitle,
7 of any water, water right, or interest in water (in-
8 cluding potable, recycled, reclaimed, waste, imported,
9 exported, banked, or stored water, surface water,
10 groundwater, and public trust interest);

11 (2) shall affect any public or private contract in
12 existence on the date of the enactment of this sub-
13 title for the sale, lease, loan, or transfer of any
14 water (including potable, recycled, reclaimed, waste,
15 imported, exported, banked, or stored water, surface
16 water, and groundwater);

17 (3) shall be considered to be a relinquishment
18 or reduction of any water rights reserved or appro-
19 priated by the United States in the State on or be-
20 fore the date of the enactment of this subtitle;

21 (4) authorizes or imposes any new reserved
22 Federal water right or expands water usage pursu-
23 ant to any existing Federal reserved, riparian or ap-
24 propriative right;

25 (5) shall be considered a relinquishment or re-
26 duction of any water rights (including potable, recy-

1 cled, reclaimed, waste, imported, exported, banked,
2 or stored water, surface water, and groundwater)
3 held, reserved, or appropriated by any public entity
4 or other persons or entities, on or before the date of
5 the enactment of this subtitle;

6 (6) shall be construed to, or shall interfere or
7 conflict with the exercise of the powers or duties of
8 any watermaster, public agency, public water sys-
9 tem, court of competent jurisdiction, or other body
10 or entity responsible for groundwater or surface
11 water management or groundwater replenishment as
12 designated or established pursuant to any adjudica-
13 tion or Federal or State law, including the manage-
14 ment of the San Gabriel River watershed and basin,
15 to provide water supply or other environmental bene-
16 fits;

17 (7) shall be construed to impede or adversely
18 impact any previously adopted Los Angeles County
19 Drainage Area project, as described in the report of
20 the Chief of Engineers dated June 30, 1992, includ-
21 ing any supplement or addendum to that report, or
22 any maintenance agreement to operate that project;

23 (8) shall interfere or conflict with any action by
24 a watermaster, water agency, public water system,
25 court of competent jurisdiction, or public agency

1 pursuant to any Federal or State law, water right,
2 or adjudication, including any action relating to
3 water conservation, water quality, surface water di-
4 version or impoundment, groundwater recharge,
5 water treatment, conservation or storage of water,
6 pollution, waste discharge, the pumping of ground-
7 water; the spreading, injection, pumping, storage, or
8 the use of water from local sources, storm water
9 flows, and runoff, or from imported or recycled
10 water, that is undertaken in connection with the
11 management or regulation of the San Gabriel River;

12 (9) shall interfere with, obstruct, hinder, or
13 delay the exercise of, or access to, any water right
14 by the owner of a public water system or any other
15 individual or entity, including the construction, oper-
16 ation, maintenance, replacement, removal, repair, lo-
17 cation, or relocation of any well; pipeline; or water
18 pumping, treatment, diversion, impoundment, or
19 storage facility; or other facility or property nec-
20 essary or useful to access any water right or operate
21 an public water system;

22 (10) shall require the initiation or reinitiation
23 of consultation with the United States Fish and
24 Wildlife Service under, or the application of any pro-
25 vision of, the Endangered Species Act of 1973 (16

1 U.S.C. 1531 et seq.) relating to any action affecting
2 any water, water right, or water management or
3 water resource facility in the San Gabriel River wa-
4 tershed and basin; or

5 (11) authorizes any agency or employee of the
6 United States, or any other person, to take any ac-
7 tion inconsistent with any of paragraphs (1) through
8 (10).

9 (b) WATER RESOURCE FACILITIES.—

10 (1) NO EFFECT ON EXISTING WATER RE-
11 SOURCE FACILITIES.—Nothing in this part or sec-
12 tion 5522 shall affect—

13 (A) the use, operation, maintenance, re-
14 pair, construction, destruction, removal, recon-
15 figuration, expansion, improvement or replace-
16 ment of a water resource facility or public
17 water system within or adjacent to the Recre-
18 ation Area or San Gabriel Mountains National
19 Monument; or

20 (B) access to a water resource facility
21 within or adjacent to the Recreation Area or
22 San Gabriel Mountains National Monument.

23 (2) NO EFFECT ON NEW WATER RESOURCE FA-
24 CILITIES.—Nothing in this part or section 5522
25 shall preclude the establishment of a new water re-

1 source facility (including instream sites, routes, and
2 areas) within the Recreation Area or San Gabriel
3 Mountains National Monument if the water resource
4 facility or public water system is necessary to pre-
5 serve or enhance the health, safety, reliability, qual-
6 ity or accessibility of water supply, or utility services
7 to residents of Los Angeles County.

8 (3) FLOOD CONTROL.—Nothing in this part or
9 section 5522 shall be construed to—

10 (A) impose any new restriction or require-
11 ment on flood protection, water conservation,
12 water supply, groundwater recharge, water
13 transfers, or water quality operations and main-
14 tenance; or

15 (B) increase the liability of an agency or
16 public water system carrying out flood protec-
17 tion, water conservation, water supply, ground-
18 water recharge, water transfers, or water qual-
19 ity operations.

20 (4) DIVERSION OR USE OF WATER.—Nothing in
21 this part or section 5522 shall authorize or require
22 the use of water or water rights in, or the diversion
23 of water to, the Recreation Area or San Gabriel
24 Mountains National Monument.

1 (c) UTILITY FACILITIES AND RIGHTS OF WAY.—

2 Nothing in this part or section 5522 shall—

3 (1) affect the use, operation, maintenance, re-
4 pair, construction, destruction, reconfiguration, ex-
5 pansion, inspection, renewal, reconstruction, alter-
6 ation, addition, relocation, improvement, removal, or
7 replacement of a utility facility or appurtenant right-
8 of-way within or adjacent to the Recreation Area or
9 San Gabriel Mountains National Monument;

10 (2) affect access to a utility facility or right-of-
11 way within or adjacent to the Recreation Area or
12 San Gabriel Mountains National Monument; or

13 (3) preclude the establishment of a new utility
14 facility or right-of-way (including instream sites,
15 routes, and areas) within the Recreation Area or
16 San Gabriel Mountains National Monument if such
17 a facility or right-of-way is necessary for public
18 health and safety, electricity supply, or other utility
19 services.

20 (d) ROADS; PUBLIC TRANSIT.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) PUBLIC ROAD.—The term “public
23 road” means any paved road or bridge (includ-
24 ing any appurtenant structure and right-of-
25 way) that is—

1 (i) operated or maintained by a non-
2 Federal entity; and

3 (ii)(I) open to vehicular use by the
4 public; or

5 (II) used by a public agency or utility
6 for the operation, maintenance, improve-
7 ment, repair, removal, relocation, construc-
8 tion, destruction or rehabilitation of infra-
9 structure, a utility facility, or a right-of-
10 way.

11 (B) PUBLIC TRANSIT.—The term “public
12 transit” means any transit service (including
13 operations and rights-of-way) that is—

14 (i) operated or maintained by a non-
15 Federal entity; and

16 (ii)(I) open to the public; or

17 (II) used by a public agency or con-
18 tractor for the operation, maintenance, re-
19 pair, construction, or rehabilitation of in-
20 frastructure, a utility facility, or a right-of-
21 way.

22 (2) NO EFFECT ON PUBLIC ROADS OR PUBLIC
23 TRANSIT.—Nothing in this part or section 5522—

24 (A) authorizes the Secretary to take any
25 action that would affect the operation, mainte-

1 nance, repair, or rehabilitation of public roads
2 or public transit (including activities necessary
3 to comply with Federal or State safety or public
4 transit standards); or

5 (B) creates any new liability, or increases
6 any existing liability, of an owner or operator of
7 a public road.

8 **SEC. 5587. SAN GABRIEL NATIONAL RECREATION AREA**
9 **PUBLIC ADVISORY COUNCIL.**

10 (a) ESTABLISHMENT.—Not later than 180 days after
11 the date of the enactment of this subtitle, the Secretary
12 shall establish an advisory council, to be known as the
13 “San Gabriel National Recreation Area Public Advisory
14 Council”.

15 (b) DUTIES.—The Advisory Council shall advise the
16 Secretary regarding the development and implementation
17 of the management plan and the visitor services plan.

18 (c) APPLICABLE LAW.—The Advisory Council shall
19 be subject to—

20 (1) the Federal Advisory Committee Act (5
21 U.S.C. App.); and

22 (2) all other applicable laws (including regula-
23 tions).

24 (d) MEMBERSHIP.—The Advisory Council shall con-
25 sist of 22 members, to be appointed by the Secretary after

1 taking into consideration recommendations of the Partner-
2 ship, of whom—

3 (1) 2 shall represent local, regional, or national
4 environmental organizations;

5 (2) 2 shall represent the interests of outdoor
6 recreation, including off-highway vehicle recreation,
7 within the Recreation Area;

8 (3) 2 shall represent the interests of commu-
9 nity-based organizations, the missions of which in-
10 clude expanding access to the outdoors;

11 (4) 2 shall represent business interests;

12 (5) 1 shall represent Indian Tribes within or
13 adjacent to the Recreation Area;

14 (6) 1 shall represent the interests of home-
15 owners' associations within the Recreation Area;

16 (7) 3 shall represent the interests of holders of
17 adjudicated water rights, public water systems,
18 water agencies, wastewater and sewer agencies, recy-
19 cled water facilities, and water management and re-
20 plenishment entities;

21 (8) 1 shall represent energy and mineral devel-
22 opment interests;

23 (9) 1 shall represent owners of Federal grazing
24 permits or other land use permits within the Recre-
25 ation Area;

1 (10) 1 shall represent archaeological and histor-
2 ical interests;

3 (11) 1 shall represent the interests of environ-
4 mental educators;

5 (12) 1 shall represent cultural history interests;

6 (13) 1 shall represent environmental justice in-
7 terests;

8 (14) 1 shall represent electrical utility interests;
9 and

10 (15) 2 shall represent the affected public at
11 large.

12 (e) TERMS.—

13 (1) STAGGERED TERMS.—A member of the Ad-
14 visory Council shall be appointed for a term of 3
15 years, except that, of the members first appointed,
16 7 of the members shall be appointed for a term of
17 1 year and 7 of the members shall be appointed for
18 a term of 2 years.

19 (2) REAPPOINTMENT.—A member may be re-
20 appointed to serve on the Advisory Council on the
21 expiration of the term of service of the member.

22 (3) VACANCY.—A vacancy on the Advisory
23 Council shall be filled in the same manner in which
24 the original appointment was made.

1 (f) QUORUM.—A quorum shall be ten members of the
2 advisory council. The operations of the advisory council
3 shall not be impaired by the fact that a member has not
4 yet been appointed as long as a quorum has been attained.

5 (g) CHAIRPERSON; PROCEDURES.—The Advisory
6 Council shall elect a chairperson and establish such rules
7 and procedures as the advisory council considers necessary
8 or desirable.

9 (h) SERVICE WITHOUT COMPENSATION.—Members
10 of the Advisory Council shall serve without pay.

11 (i) TERMINATION.—The Advisory Council shall cease
12 to exist—

13 (1) on the date that is 5 years after the date
14 on which the management plan is adopted by the
15 Secretary; or

16 (2) on such later date as the Secretary con-
17 siders to be appropriate.

18 **SEC. 5588. SAN GABRIEL NATIONAL RECREATION AREA**
19 **PARTNERSHIP.**

20 (a) ESTABLISHMENT.—There is established a Part-
21 nership, to be known as the “San Gabriel National Recre-
22 ation Area Partnership”.

23 (b) PURPOSES.—The purposes of the Partnership are
24 to—

1 (1) coordinate the activities of Federal, State,
2 Tribal, and local authorities and the private sector
3 in advancing the purposes of this part; and

4 (2) use the resources and expertise of each
5 agency in improving management and recreational
6 opportunities within the Recreation Area.

7 (c) MEMBERSHIP.—The Partnership shall include the
8 following:

9 (1) The Secretary (or a designee) to represent
10 the National Park Service.

11 (2) The Secretary of Defense (or a designee) to
12 represent the Corps of Engineers.

13 (3) The Secretary of Agriculture (or a designee)
14 to represent the Forest Service.

15 (4) The Secretary of the Natural Resources
16 Agency of the State (or a designee) to represent—

17 (A) the California Department of Parks
18 and Recreation; and

19 (B) the Rivers and Mountains Conser-
20 vancy.

21 (5) 1 designee of the Los Angeles County
22 Board of Supervisors.

23 (6) 1 designee of the Puente Hills Habitat
24 Preservation Authority.

1 (7) 4 designees of the San Gabriel Council of
2 Governments, of whom 1 shall be selected from a
3 local land conservancy.

4 (8) 1 designee of the San Gabriel Valley Eco-
5 nomic Partnership.

6 (9) 1 designee of the Los Angeles County Flood
7 Control District.

8 (10) 1 designee of the San Gabriel Valley
9 Water Association.

10 (11) 1 designee of the Central Basin Water As-
11 sociation.

12 (12) 1 designee of the Main San Gabriel Basin
13 Watermaster.

14 (13) 1 designee of a public utility company, to
15 be appointed by the Secretary.

16 (14) 1 designee of the Watershed Conservation
17 Authority.

18 (15) 1 designee of the Advisory Council for the
19 period during which the Advisory Council remains in
20 effect.

21 (16) 1 designee of San Gabriel Mountains Na-
22 tional Monument Community Collaborative.

23 (d) DUTIES.—To advance the purposes described in
24 section 5511, the Partnership shall—

1 (1) make recommendations to the Secretary re-
2 garding the development and implementation of the
3 management plan;

4 (2) review and comment on the visitor services
5 plan under section 5519(a)(2), and facilitate the im-
6 plementation of that plan;

7 (3) assist units of local government, regional
8 planning organizations, and nonprofit organizations
9 in advancing the purposes of the Recreation Area
10 by—

11 (A) carrying out programs and projects
12 that recognize, protect, and enhance important
13 resource values within the Recreation Area;

14 (B) establishing and maintaining interpre-
15 tive exhibits and programs within the Recre-
16 ation Area;

17 (C) developing recreational and educational
18 opportunities in the Recreation Area in accord-
19 ance with the purposes of this part;

20 (D) increasing public awareness of, and
21 appreciation for, natural, historic, scenic, and
22 cultural resources of the Recreation Area;

23 (E) ensuring that signs identifying points
24 of public access and sites of interest are posted
25 throughout the Recreation Area;

1 (F) promoting a wide range of partner-
2 ships among governments, organizations, and
3 individuals to advance the purposes of the
4 Recreation Area; and

5 (G) ensuring that management of the
6 Recreation Area takes into consideration—

7 (i) local ordinances and land-use
8 plans; and

9 (ii) adjacent residents and property
10 owners;

11 (4) make recommendations to the Secretary re-
12 garding the appointment of members to the Advisory
13 Council; and

14 (5) carry out any other actions necessary to
15 achieve the purposes of this part.

16 (e) AUTHORITIES.—Subject to approval by the Sec-
17 retary, for the purposes of preparing and implementing
18 the management plan, the Partnership may use Federal
19 funds made available under this section—

20 (1) to make grants to the State, political sub-
21 divisions of the State, nonprofit organizations, and
22 other persons;

23 (2) to enter into cooperative agreements with,
24 or provide grants or technical assistance to, the
25 State, political subdivisions of the State, nonprofit

1 organizations, Federal agencies, and other interested
2 parties;

3 (3) to hire and compensate staff;

4 (4) to obtain funds or services from any source,
5 including funds and services provided under any
6 other Federal law or program;

7 (5) to contract for goods or services; and

8 (6) to support activities of partners and any
9 other activities that—

10 (A) advance the purposes of the Recreation
11 Area; and

12 (B) are in accordance with the manage-
13 ment plan.

14 (f) TERMS OF OFFICE; REAPPOINTMENT; VACAN-
15 CIES.—

16 (1) TERMS.—A member of the Partnership
17 shall be appointed for a term of 3 years.

18 (2) REAPPOINTMENT.—A member may be re-
19 appointed to serve on the Partnership on the expira-
20 tion of the term of service of the member.

21 (3) VACANCY.—A vacancy on the Partnership
22 shall be filled in the same manner in which the origi-
23 nal appointment was made.

24 (g) QUORUM.—A quorum shall be eleven members of
25 the Partnership. The operations of the Partnership shall

1 not be impaired by the fact that a member has not yet
2 been appointed as long as a quorum has been attained.

3 (h) CHAIRPERSON; PROCEDURES.—The Partnership
4 shall elect a chairperson and establish such rules and pro-
5 cedures as it deems necessary or desirable.

6 (i) SERVICE WITHOUT COMPENSATION.—A member
7 of the Partnership shall serve without compensation.

8 (j) DUTIES AND AUTHORITIES OF SECRETARY.—

9 (1) IN GENERAL.—The Secretary shall convene
10 the Partnership on a regular basis to carry out this
11 part.

12 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—
13 The Secretary may provide to the Partnership or
14 any member of the Partnership, on a reimbursable
15 or nonreimbursable basis, such technical and finan-
16 cial assistance as the Secretary determines to be ap-
17 propriate to carry out this part.

18 (3) COOPERATIVE AGREEMENTS.—The Sec-
19 retary may enter into a cooperative agreement with
20 the Partnership, a member of the Partnership, or
21 any other public or private entity to provide tech-
22 nical, financial, or other assistance to carry out this
23 part.

24 (4) CONSTRUCTION OF FACILITIES ON NON-
25 FEDERAL LAND.—

1 (A) IN GENERAL.—In order to facilitate
2 the administration of the Recreation Area, the
3 Secretary is authorized, subject to valid existing
4 rights, to construct administrative or visitor use
5 facilities on land owned by a non-profit organi-
6 zation, local agency, or other public entity in
7 accordance with this subtitle and applicable law
8 (including regulations).

9 (B) ADDITIONAL REQUIREMENTS.—A fa-
10 cility under this paragraph may only be devel-
11 oped—

12 (i) with the consent of the owner of
13 the non-Federal land; and

14 (ii) in accordance with applicable Fed-
15 eral, State, and local laws (including regu-
16 lations) and plans.

17 (5) PRIORITY.—The Secretary shall give pri-
18 ority to actions that—

19 (A) conserve the significant natural, his-
20 toric, cultural, and scenic resources of the
21 Recreation Area; and

22 (B) provide educational, interpretive, and
23 recreational opportunities consistent with the
24 purposes of the Recreation Area.

25 (k) COMMITTEES.—The Partnership shall establish—

1 (1) a Water Technical Advisory Committee to
2 advise the Secretary regarding water-related issues
3 relating to the Recreation Area; and

4 (2) a Public Safety Advisory Committee to ad-
5 vise the Secretary regarding public safety issues re-
6 lating to the Recreation Area.

7 **SEC. 5589. VISITOR SERVICES AND FACILITIES.**

8 (a) VISITOR SERVICES.—

9 (1) PURPOSE.—The purpose of this subsection
10 is to facilitate the development of an integrated vis-
11 itor services plan to improve visitor experiences in
12 the Recreation Area through expanded recreational
13 opportunities and increased interpretation, edu-
14 cation, resource protection, and enforcement.

15 (2) VISITOR SERVICES PLAN.—

16 (A) IN GENERAL.—Not later than 3 years
17 after the date of the enactment of this subtitle,
18 the Secretary shall develop and carry out an in-
19 tegrated visitor services plan for the Recreation
20 Area in accordance with this paragraph.

21 (B) CONTENTS.—The visitor services plan
22 shall—

23 (i) assess current and anticipated fu-
24 ture visitation to the Recreation Area, in-
25 cluding recreation destinations;

1 (ii) consider the demand for various
2 types of recreation (including hiking, pic-
3 nicking, horseback riding, and the use of
4 motorized and mechanized vehicles), as
5 permissible and appropriate;

6 (iii) evaluate the impacts of recreation
7 on natural and cultural resources, water
8 rights and water resource facilities, public
9 roads, adjacent residents and property
10 owners, and utilities within the Recreation
11 Area, as well as the effectiveness of cur-
12 rent enforcement and efforts;

13 (iv) assess the current level of inter-
14 pretive and educational services and facili-
15 ties;

16 (v) include recommendations to—

17 (I) expand opportunities for high-
18 demand recreational activities, in ac-
19 cordance with the purposes described
20 in section 5511;

21 (II) better manage Recreation
22 Area resources and improve the expe-
23 rience of Recreation Area visitors
24 through expanded interpretive and

1 educational services and facilities, and
2 improved enforcement; and

3 (III) better manage Recreation
4 Area resources to reduce negative im-
5 pacts on the environment, ecology,
6 and integrated water management ac-
7 tivities in the Recreation Area;

8 (vi) in coordination and consultation
9 with affected owners of non-Federal land,
10 assess options to incorporate recreational
11 opportunities on non-Federal land into the
12 Recreation Area—

13 (I) in manner consistent with the
14 purposes and uses of the non-Federal
15 land; and

16 (II) with the consent of the non-
17 Federal landowner;

18 (vii) assess opportunities to provide
19 recreational opportunities that connect
20 with adjacent National Forest System
21 land; and

22 (viii) be developed and carried out in
23 accordance with applicable Federal, State,
24 and local laws and ordinances.

1 (C) CONSULTATION.—In developing the
2 visitor services plan, the Secretary shall—

3 (i) consult with—

4 (I) the Partnership;

5 (II) the Advisory Council;

6 (III) appropriate State and local
7 agencies; and

8 (IV) interested nongovernmental
9 organizations; and

10 (ii) involve members of the public.

11 (b) VISITOR USE FACILITIES.—

12 (1) IN GENERAL.—The Secretary may con-
13 struct visitor use facilities in the Recreation Area.

14 (2) REQUIREMENTS.—Each facility under para-
15 graph (1) shall be developed in accordance with ap-
16 plicable Federal, State, and local—

17 (A) laws (including regulations); and

18 (B) plans.

19 (c) DONATIONS.—

20 (1) IN GENERAL.—The Secretary may accept
21 and use donated funds (subject to appropriations),
22 property, in-kind contributions, and services to carry
23 out this part.

24 (2) PROHIBITION.—The Secretary may not use
25 the authority provided by paragraph (1) to accept

1 non-Federal land that has been acquired after the
2 date of the enactment of this subtitle through the
3 use of eminent domain.

4 (d) COOPERATIVE AGREEMENTS.—In carrying out
5 this part, the Secretary may make grants to, or enter into
6 cooperative agreements with, units of State, Tribal, and
7 local governments and private entities to conduct research,
8 develop scientific analyses, and carry out any other initia-
9 tive relating to the management of, and visitation to, the
10 Recreation Area.

11 **PART 2—SAN GABRIEL MOUNTAINS**

12 **SEC. 5591. DEFINITIONS.**

13 In this part:

14 (1) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

16 (2) WILDERNESS AREA OR ADDITION.—The
17 term “wilderness area or addition” means any wil-
18 derness area or wilderness addition designated by
19 section 5523(a).

20 **SEC. 5592. NATIONAL MONUMENT BOUNDARY MODIFICA-** 21 **TION.**

22 (a) IN GENERAL.—The Secretary shall modify the
23 boundaries of the San Gabriel Mountains National Monu-
24 ment in the State to include the approximately 109,167
25 acres of additional National Forest System land depicted

1 as the “Proposed San Gabriel Mountains National Monu-
2 ment Expansion” on the map entitled “Proposed San Ga-
3 briel Mountains National Monument Expansion” and
4 dated June 26, 2019.

5 (b) ADMINISTRATION.—On inclusion of the National
6 Forest System land described in subsection (a), the Sec-
7 retary shall administer that land as part of the San Ga-
8 briel Mountains National Monument in accordance with
9 the laws generally applicable to the Monument and this
10 subtitle.

11 (c) MANAGEMENT PLAN.—Not later than 3 years
12 after the date of the enactment of this subtitle, the Sec-
13 retary shall consult with State and local governments and
14 the interested public to update the existing San Gabriel
15 Mountains National Monument Plan to incorporate and
16 provide management direction and protection for the lands
17 added to the Monument.

18 **SEC. 5593. DESIGNATION OF WILDERNESS AREAS AND AD-**
19 **DITIONS.**

20 (a) DESIGNATION.—In accordance with the Wilder-
21 ness Act (16 U.S.C. 1131 et seq.), the following parcels
22 of National Forest System land in the State are des-
23 ignated as wilderness and as components of the National
24 Wilderness Preservation System:

1 (1) CONDOR PEAK WILDERNESS.—Certain Fed-
2 eral land in the Angeles National Forest, comprising
3 approximately 8,207 acres, as generally depicted on
4 the map entitled “Condor Peak Wilderness—Pro-
5 posed” and dated June 6, 2019, which shall be
6 known as the “Condor Peak Wilderness”.

7 (2) SAN GABRIEL WILDERNESS ADDITIONS.—
8 Certain Federal land in the Angeles National Forest,
9 comprising approximately 2,032 acres, as generally
10 depicted on the map entitled “San Gabriel Wilder-
11 ness Additions” and dated June 6, 2019, which is
12 incorporated in, and considered to be a part of, the
13 San Gabriel Wilderness designated by Public Law
14 90–318 (16 U.S.C. 1132 note; 82 Stat. 131).

15 (3) SHEEP MOUNTAIN WILDERNESS ADDI-
16 TIONS.—Certain Federal land in the Angeles Na-
17 tional Forest, comprising approximately 13,726
18 acres, as generally depicted on the map entitled
19 “Sheep Mountain Wilderness Additions” and dated
20 June 6, 2019, which is incorporated in, and consid-
21 ered to be a part of, the Sheep Mountain Wilderness
22 designated by section 101(a)(29) of the California
23 Wilderness Act of 1984 (16 U.S.C. 1132 note; 98
24 Stat. 1623; Public Law 98–425).

1 (4) YERBA BUENA WILDERNESS.—Certain Fed-
2 eral land in the Angeles National Forest, comprising
3 approximately 6,694 acres, as generally depicted on
4 the map entitled “Yerba Buena Wilderness—Pro-
5 posed” and dated June 6, 2019, which shall be
6 known as the “Yerba Buena Wilderness”.

7 (b) MAP AND LEGAL DESCRIPTION.—

8 (1) IN GENERAL.—As soon as practicable after
9 the date of the enactment of this subtitle, the Sec-
10 retary shall file a map and a legal description of the
11 wilderness areas and additions with—

12 (A) the Committee on Energy and Natural
13 Resources of the Senate; and

14 (B) the Committee on Natural Resources
15 of the House of Representatives.

16 (2) FORCE OF LAW.—The map and legal de-
17 scription filed under paragraph (1) shall have the
18 same force and effect as if included in this part, ex-
19 cept that the Secretary may correct any clerical or
20 typographical error in the map or legal description.

21 (3) PUBLIC AVAILABILITY.—The map and legal
22 description filed under paragraph (1) shall be on file
23 and available for public inspection in the appropriate
24 offices of the Forest Service.

1 **SEC. 5594. ADMINISTRATION OF WILDERNESS AREAS AND**
2 **ADDITIONS.**

3 (a) **IN GENERAL.**—Subject to valid existing rights,
4 the wilderness areas and additions shall be administered
5 by the Secretary in accordance with this section and the
6 Wilderness Act (16 U.S.C. 1131 et seq.), except that any
7 reference in that Act to the effective date of that Act shall
8 be considered to be a reference to the date of the enact-
9 ment of this subtitle.

10 (b) **FIRE MANAGEMENT AND RELATED ACTIVI-**
11 **TIES.**—

12 (1) **IN GENERAL.**—The Secretary may take
13 such measures in a wilderness area or addition des-
14 ignated in section 5523 as are necessary for the con-
15 trol of fire, insects, or diseases in accordance with—

16 (A) section 4(d)(1) of the Wilderness Act
17 (16 U.S.C. 1133(d)(1)); and

18 (B) House Report 98–40 of the 98th Con-
19 gress.

20 (2) **FUNDING PRIORITIES.**—Nothing in this
21 part limits funding for fire or fuels management in
22 a wilderness area or addition.

23 (3) **REVISION AND DEVELOPMENT OF LOCAL**
24 **FIRE MANAGEMENT PLANS.**—As soon as practicable
25 after the date of the enactment of this subtitle, the
26 Secretary shall amend, as applicable, any local fire

1 management plan that applies to a wilderness area
2 or addition designated in section 5523.

3 (4) ADMINISTRATION.—In accordance with
4 paragraph (1) and any other applicable Federal law,
5 to ensure a timely and efficient response to a fire
6 emergency in a wilderness area or addition, the Sec-
7 retary shall—

8 (A) not later than 1 year after the date of
9 the enactment of this subtitle, establish agency
10 approval procedures (including appropriate del-
11 egations of authority to the Forest Supervisor,
12 District Manager, or other agency officials) for
13 responding to fire emergencies; and

14 (B) enter into agreements with appropriate
15 State or local firefighting agencies.

16 (c) GRAZING.—The grazing of livestock in a wilder-
17 ness area or addition, if established before the date of the
18 enactment of this subtitle, shall be administered in accord-
19 ance with—

20 (1) section 4(d)(4) of the Wilderness Act (16
21 U.S.C. 1133(d)(4)); and

22 (2) the guidelines contained in Appendix A of
23 the report of the Committee on Interior and Insular
24 Affairs of the House of Representatives accom-

1 panying H.R. 2570 of the 101st Congress (H. Rept.
2 101–405).

3 (d) FISH AND WILDLIFE.—

4 (1) IN GENERAL.—In accordance with section
5 4(d)(7) of the Wilderness Act (16 U.S.C.
6 1133(d)(7)), nothing in this part affects the jurisdic-
7 tion or responsibility of the State with respect to
8 fish or wildlife on public land in the State.

9 (2) MANAGEMENT ACTIVITIES.—

10 (A) IN GENERAL.—In furtherance of the
11 purposes and principles of the Wilderness Act
12 (16 U.S.C. 1131 et seq.), the Secretary may
13 conduct any management activity that are nec-
14 essary to maintain or restore fish or wildlife
15 populations or habitats in the wilderness areas
16 and wilderness additions designated in section
17 5523, if the management activities are—

18 (i) consistent with relevant wilderness
19 management plans; and

20 (ii) conducted in accordance with ap-
21 propriate policies, such as the policies es-
22 tablished in Appendix B of the report of
23 the Committee on Interior and Insular Af-
24 fairs of the House of Representatives ac-

1 accompanying H.R. 2570 of the 101st Con-
2 gress (H. Rept. 101–405).

3 (B) INCLUSIONS.—A management activity
4 under subparagraph (A) may include the occa-
5 sional and temporary use of motorized vehicles,
6 if the use, as determined by the Secretary,
7 would promote healthy, viable, and more natu-
8 rally distributed wildlife populations that would
9 enhance wilderness values while causing the
10 minimum impact necessary to accomplish those
11 tasks.

12 (C) EXISTING ACTIVITIES.—In accordance
13 with section 4(d)(1) of the Wilderness Act (16
14 U.S.C. 1133(d)(1)) and appropriate policies
15 (such as the policies established in Appendix B
16 of House Report 101–405, the State may use
17 aircraft (including helicopters) in a wilderness
18 area or addition to survey, capture, transplant,
19 monitor, or provide water for a wildlife popu-
20 lation, including bighorn sheep.

21 (e) BUFFER ZONES.—

22 (1) IN GENERAL.—Congress does not intend for
23 the designation of wilderness areas or wilderness ad-
24 ditions by section 5523 to lead to the creation of

1 protective perimeters or buffer zones around each
2 wilderness area or wilderness addition.

3 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

4 The fact that a nonwilderness activities or uses can
5 be seen or heard from within a wilderness area or
6 wilderness addition designated by section 5523 shall
7 not, of itself, preclude the activities or uses up to the
8 boundary of the wilderness area or addition.

9 (f) MILITARY ACTIVITIES.—Nothing in this subtitle
10 precludes—

11 (1) low-level overflights of military aircraft over
12 the wilderness areas or wilderness additions des-
13 igned by section 5523;

14 (2) the designation of new units of special air-
15 space over the wilderness areas or wilderness addi-
16 tions designated by section 5523; or

17 (3) the use or establishment of military flight
18 training routes over wilderness areas or wilderness
19 additions designated by section 5523.

20 (g) HORSES.—Nothing in this part precludes horse-
21 back riding in, or the entry of recreational or commercial
22 saddle or pack stock into, an area designated as a wilder-
23 ness area or wilderness addition by section 5523—

24 (1) in accordance with section 4(d)(5) of the
25 Wilderness Act (16 U.S.C. 1133(d)(5)); and

1 (2) subject to such terms and conditions as the
2 Secretary determines to be necessary.

3 (h) LAW ENFORCEMENT.—Nothing in this part pre-
4 cludes any law enforcement or drug interdiction effort
5 within the wilderness areas or wilderness additions des-
6 ignated by section 5523 in accordance with the Wilderness
7 Act (16 U.S.C. 1131 et seq.).

8 (i) WITHDRAWAL.—Subject to valid existing rights,
9 the wilderness areas and additions designated by section
10 5523 are withdrawn from—

11 (1) all forms of entry, appropriation, and dis-
12 posal under the public land laws;

13 (2) location, entry, and patent under the mining
14 laws; and

15 (3) operation of the mineral materials and geo-
16 thermal leasing laws.

17 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
18 ESTS.—Any land within the boundary of a wilderness area
19 or addition that is acquired by the United States shall—

20 (1) become part of the wilderness area or addi-
21 tion in which the land is located; and

22 (2) be managed in accordance with this section,
23 the Wilderness Act (16 U.S.C. 1131 et seq.), and
24 any other applicable laws (including regulations).

1 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-
2 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
3 and subject to such terms and conditions as the Secretary
4 may prescribe, the Secretary may authorize the installa-
5 tion and maintenance of hydrologic, meteorologic, or cli-
6 matological collection devices in a wilderness area or addi-
7 tion if the Secretary determines that the facilities and ac-
8 cess to the facilities is essential to a flood warning, flood
9 control, or water reservoir operation activity.

10 (l) AUTHORIZED EVENTS.—The Secretary of Agri-
11 culture may authorize the Angeles Crest 100 competitive
12 running event to continue in substantially the same man-
13 ner and degree in which this event was operated and per-
14 mitted in 2015 within additions to the Sheep Mountain
15 Wilderness in section 5523 of this subtitle and the Pleas-
16 ant View Ridge Wilderness Area designated by section
17 1802 of the Omnibus Public Land Management Act of
18 2009, provided that the event is authorized and conducted
19 in a manner compatible with the preservation of the areas
20 as wilderness.

21 **SEC. 5595. DESIGNATION OF WILD AND SCENIC RIVERS.**

22 (a) DESIGNATION.—Section 3(a) of the Wild and
23 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
24 ing at the end the following:

1 “(____) EAST FORK SAN GABRIEL RIVER, CALI-
2 FORNIA.—The following segments of the East Fork
3 San Gabriel River, to be administered by the Sec-
4 retary of Agriculture in the following classes:

5 “(A) The 10-mile segment from the con-
6 fluence of the Prairie Fork and Vincent Gulch
7 to 100 yards upstream of the Heaton Flats
8 trailhead and day use area, as a wild river.

9 “(B) The 2.7-mile segment from 100 yards
10 upstream of the Heaton Flats trailhead and day
11 use area to 100 yards upstream of the con-
12 fluence with Williams Canyon, as a recreational
13 river.

14 “(____) NORTH FORK SAN GABRIEL RIVER,
15 CALIFORNIA.—The 4.3-mile segment of the North
16 Fork San Gabriel River from the confluence with
17 Cloudburst Canyon to 0.25 miles upstream of the
18 confluence with the West Fork San Gabriel River, to
19 be administered by the Secretary of Agriculture as
20 a recreational river.

21 “(____) WEST FORK SAN GABRIEL RIVER, CALI-
22 FORNIA.—The following segments of the West Fork
23 San Gabriel River, to be administered by the Sec-
24 retary of Agriculture in the following classes:

1 “(A) The 6.7-mile segment from 0.25
2 miles downstream of its source near Red Box
3 Gap in sec. 14, T. 2 N., R. 12 W., to the con-
4 fluence with the unnamed tributary 0.25 miles
5 downstream of the power lines in sec. 22, T. 2
6 N., R. 11 W., as a recreational river.

7 “(B) The 1.6-mile segment of the West
8 Fork from 0.25 miles downstream of the
9 powerlines in sec. 22, T. 2 N., R. 11 W., to the
10 confluence with Bobcat Canyon, as a wild river.

11 “(____) LITTLE ROCK CREEK, CALIFORNIA.—
12 The following segments of Little Rock Creek and
13 tributaries, to be administered by the Secretary of
14 Agriculture in the following classes:

15 “(A) The 10.3-mile segment from its
16 source on Mt. Williamson in sec. 6, T. 3 N., R.
17 9 W., to 100 yards upstream of the confluence
18 with the South Fork Little Rock Creek, as a
19 wild river.

20 “(B) The 6.6-mile segment from 100 yards
21 upstream of the confluence with the South Fork
22 Little Rock Creek to the confluence with
23 Santiago Canyon, as a recreational river.

24 “(C) The 1-mile segment of Cooper Can-
25 yon Creek from 0.25 miles downstream of

1 Highway 2 to 100 yards downstream of Cooper
2 Canyon Campground, as a scenic river.

3 “(D) The 1.3-mile segment of Cooper Can-
4 yon Creek from 100 yards downstream of Coo-
5 per Canyon Campground to the confluence with
6 Little Rock Creek, as a wild river.

7 “(E) The 1-mile segment of Buckhorn
8 Creek from 100 yards downstream of the
9 Buckhorn Campground to its confluence with
10 Cooper Canyon Creek, as a wild river.”.

11 (b) WATER RESOURCE FACILITIES; AND WATER
12 USE.—

13 (1) WATER RESOURCE FACILITIES.—

14 (A) DEFINITION.—In this section, the
15 term “water resource facility” means irrigation
16 and pumping facilities, dams and reservoirs,
17 flood control facilities, water conservation works
18 and facilities, including debris protection facili-
19 ties, sediment placement sites, rain gauges and
20 stream gauges, water quality facilities, recycled
21 water facilities and water pumping, conveyance
22 distribution systems, water storage tanks and
23 reservoirs, and water treatment facilities, aque-
24 ducts, canals, ditches, pipelines, wells, hydro-
25 power projects, and transmission and other an-

1 cillary facilities, groundwater recharge facilities,
2 water conservation, water filtration plants, and
3 other water diversion, conservation, ground-
4 water recharge, storage, and carriage struc-
5 tures.

6 (B) NO EFFECT ON EXISTING WATER RE-
7 SOURCE FACILITIES.—Nothing in this section
8 shall alter, modify, or affect—

9 (i) the use, operation, maintenance,
10 repair, construction, destruction, reconfig-
11 uration, expansion, relocation or replace-
12 ment of a water resource facility down-
13 stream of a wild and scenic river segment
14 designated by this section, provided that
15 the physical structures of such facilities or
16 reservoirs shall not be located within the
17 river areas designated in this section; or

18 (ii) access to a water resource facility
19 downstream of a wild and scenic river seg-
20 ment designated by this section.

21 (C) NO EFFECT ON NEW WATER RE-
22 SOURCE FACILITIES.—Nothing in this section
23 shall preclude the establishment of a new water
24 resource facilities (including instream sites,

1 routes, and areas) downstream of a wild and
2 scenic river segment.

3 (2) LIMITATION.—Any new reservation of water
4 or new use of water pursuant to existing water
5 rights held by the United States to advance the pur-
6 poses of the National Wild and Scenic Rivers Act
7 (16 U.S.C. 1271 et seq.) shall be for nonconsump-
8 tive instream use only within the segments des-
9 ignated by this section.

10 (3) EXISTING LAW.—Nothing in this section af-
11 fects the implementation of the Endangered Species
12 Act of 1973 (16 U.S.C. 1531 et seq.).

13 **SEC. 5596. WATER RIGHTS.**

14 (a) STATUTORY CONSTRUCTION.—Nothing in this
15 subtitle, and no action to implement this subtitle—

16 (1) shall constitute an express or implied res-
17 ervation of any water or water right, or authorizing
18 an expansion of water use pursuant to existing water
19 rights held by the United States, with respect to the
20 land designated as a wilderness area or wilderness
21 addition by section 5523 or land adjacent to the wild
22 and scenic river segments designated by the amend-
23 ment made by section 5525;

24 (2) shall affect, alter, modify, or condition any
25 water rights in the State in existence on the date of

1 the enactment of this subtitle, including any water
2 rights held by the United States;

3 (3) shall be construed as establishing a prece-
4 dent with regard to any future wilderness or wild
5 and scenic river designations;

6 (4) shall affect, alter, or modify the interpreta-
7 tion of, or any designation, decision, adjudication or
8 action made pursuant to, any other Act; or

9 (5) shall be construed as limiting, altering,
10 modifying, or amending any of the interstate com-
11 pacts or equitable apportionment decrees that appor-
12 tions water among or between the State and any
13 other State.

14 (b) STATE WATER LAW.—The Secretary shall com-
15 ply with applicable procedural and substantive require-
16 ments of the law of the State in order to obtain and hold
17 any water rights not in existence on the date of the enact-
18 ment of this subtitle with respect to the San Gabriel
19 Mountains National Monument, wilderness areas and wil-
20 derness additions designated by section 5523, and the wild
21 and scenic rivers designated by amendment made by sec-
22 tion 5525.

1 **Subtitle F—Rim of the Valley**
2 **Corridor Preservation**

3 **SEC. 5597. BOUNDARY ADJUSTMENT; LAND ACQUISITION;**
4 **ADMINISTRATION.**

5 (a) BOUNDARY ADJUSTMENT.—Section 507(c)(1) of
6 the National Parks and Recreation Act of 1978 (16
7 U.S.C. 460kk(c)(1)) is amended in the first sentence by
8 striking “, which shall” and inserting “ and generally de-
9 picted as ‘Rim of the Valley Unit Proposed Addition’ on
10 the map entitled ‘Rim of the Valley Unit—Santa Monica
11 Mountains National Recreation Area’, numbered 638/
12 147,723, and dated September 2018. Both maps shall”.

13 (b) RIM OF THE VALLEY UNIT.—Section 507 of the
14 National Parks and Recreation Act of 1978 (16 U.S.C.
15 460kk) is amended by adding at the end the following:

16 “(u) RIM OF THE VALLEY UNIT.—(1) Not later than
17 3 years after the date of the enactment of this subsection,
18 the Secretary shall update the general management plan
19 for the recreation area to reflect the boundaries designated
20 on the map referred to in subsection (c)(1) as the ‘Rim
21 of the Valley Unit’ (hereafter in the subsection referred
22 to as the ‘Rim of the Valley Unit’). Subject to valid exist-
23 ing rights, the Secretary shall administer the Rim of the
24 Valley Unit, and any land or interest in land acquired by
25 the United States and located within the boundaries of

1 the Rim of the Valley Unit, as part of the recreation area
2 in accordance with the provisions of this section and appli-
3 cable laws and regulations.

4 “(2) The Secretary may acquire non-Federal land
5 within the boundaries of the Rim of the Valley Unit only
6 through exchange, donation, or purchase from a willing
7 seller. Nothing in this subsection authorizes the use of
8 eminent domain to acquire land or interests in land.

9 “(3) Nothing in this subsection or the application of
10 the management plan for the Rim of the Valley Unit shall
11 be construed to—

12 “(A) modify any provision of Federal, State, or
13 local law with respect to public access to or use of
14 non-Federal land;

15 “(B) create any liability, or affect any liability
16 under any other law, of any private property owner
17 or other owner of non-Federal land with respect to
18 any person injured on private property or other non-
19 Federal land;

20 “(C) affect the ownership, management, or
21 other rights relating to any non-Federal land (in-
22 cluding any interest in any non-Federal land);

23 “(D) require any local government to partici-
24 pate in any program administered by the Secretary;

1 “(E) alter, modify, or diminish any right, re-
2 sponsibility, power, authority, jurisdiction, or entitle-
3 ment of the State, any political subdivision of the
4 State, or any State or local agency under existing
5 Federal, State, and local law (including regulations);

6 “(F) require the creation of protective perim-
7 eters or buffer zones, and the fact that certain ac-
8 tivities or land can be seen or heard from within the
9 Rim of the Valley Unit shall not, of itself, preclude
10 the activities or land uses up to the boundary of the
11 Rim of the Valley Unit;

12 “(G) require or promote use of, or encourage
13 trespass on, lands, facilities, and rights-of-way
14 owned by non-Federal entities, including water re-
15 source facilities and public utilities, without the writ-
16 ten consent of the owner;

17 “(H) affect the operation, maintenance, modi-
18 fication, construction, or expansion of any water re-
19 source facility or utility facility located within or ad-
20 jacent to the Rim of the Valley Unit;

21 “(I) terminate the fee title to lands or cus-
22 tomary operation, maintenance, repair, and replace-
23 ment activities on or under such lands granted to
24 public agencies that are authorized pursuant to Fed-
25 eral or State statute;

1 “(J) interfere with, obstruct, hinder, or delay
2 the exercise of any right to, or access to any water
3 resource facility or other facility or property nec-
4 essary or useful to access any water right to operate
5 any public water or utility system;

6 “(K) require initiation or reinitiation of con-
7 sultation with the United States Fish and Wildlife
8 Service under, or the application of provisions of, the
9 Endangered Species Act of 1973 (16 U.S.C. 1531 et
10 seq.), the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.), or division A of sub-
12 title III of title 54, United States Code, concerning
13 any action or activity affecting water, water rights
14 or water management or water resource facilities
15 within the Rim of the Valley Unit; or

16 “(L) limit the Secretary’s ability to update ap-
17 plicable fire management plans, which may consider
18 fuels management strategies including managed nat-
19 ural fire, prescribed fires, non-fire mechanical haz-
20 ardous fuel reduction activities, or post-fire remedi-
21 ation of damage to natural and cultural resources.

22 “(4) The activities of a utility facility or water re-
23 source facility shall take into consideration ways to rea-
24 sonably avoid or reduce the impact on the resources of
25 the Rim of the Valley Unit.

1 “(5) For the purpose of paragraph (4)—

2 “(A) the term ‘utility facility’ means electric
3 substations, communication facilities, towers, poles,
4 and lines, ground wires, communications circuits,
5 and other structures, and related infrastructure; and

6 “(B) the term ‘water resource facility’ means
7 irrigation and pumping facilities; dams and res-
8 ervoirs; flood control facilities; water conservation
9 works, including debris protection facilities, sediment
10 placement sites, rain gauges, and stream gauges;
11 water quality, recycled water, and pumping facilities;
12 conveyance distribution systems; water treatment fa-
13 cilities; aqueducts; canals; ditches; pipelines; wells;
14 hydropower projects; transmission facilities; and
15 other ancillary facilities, groundwater recharge facili-
16 ties, water conservation, water filtration plants, and
17 other water diversion, conservation, groundwater re-
18 charge, storage, and carriage structures.”.

19 **TITLE LVI—COLORADO AND**
20 **GRAND CANYON PUBLIC LANDS**
21 **Subtitle A—Colorado Outdoor**
22 **Recreation and Economy**

23 **SEC. 5601. DEFINITION OF STATE.**

24 In this subtitle, the term “State” means the State
25 of Colorado.

PART 1—CONTINENTAL DIVIDE**2 SEC. 5611. DEFINITIONS.**

3 In this part:

4 (1) COVERED AREA.—The term “covered area”
5 means any area designated as wilderness by the
6 amendments to section 2(a) of the Colorado Wilder-
7 ness Act of 1993 (16 U.S.C. 1132 note; Public Law
8 103–77) made by section 112(a).

9 (2) HISTORIC LANDSCAPE.—The term “His-
10 toric Landscape” means the Camp Hale National
11 Historic Landscape designated by section 117(a).

12 (3) RECREATION MANAGEMENT AREA.—The
13 term “Recreation Management Area” means the
14 Tenmile Recreation Management Area designated by
15 section 114(a).

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture.

18 (5) WILDLIFE CONSERVATION AREA.—The
19 term “Wildlife Conservation Area” means, as appli-
20 cable—

21 (A) the Porcupine Gulch Wildlife Con-
22 servation Area designated by section 115(a);
23 and

24 (B) the Williams Fork Mountains Wildlife
25 Conservation Area designated by section
26 116(a).

1 **SEC. 5612. COLORADO WILDERNESS ADDITIONS.**

2 (a) DESIGNATION.—Section 2(a) of the Colorado Wil-
3 derness Act of 1993 (16 U.S.C. 1132 note; Public Law
4 103–77) is amended—

5 (1) in paragraph (18), by striking “1993,” and
6 inserting “1993, and certain Federal land within the
7 White River National Forest that comprises approxi-
8 mately 6,896 acres, as generally depicted as ‘Pro-
9 posed Ptarmigan Peak Wilderness Additions’ on the
10 map entitled ‘Proposed Ptarmigan Peak Wilderness
11 Additions’ and dated June 24, 2019,”; and

12 (2) by adding at the end the following:

13 “(23) HOLY CROSS WILDERNESS ADDITION.—
14 Certain Federal land within the White River Na-
15 tional Forest that comprises approximately 3,866
16 acres, as generally depicted as ‘Proposed Megan
17 Dickie Wilderness Addition’ on the map entitled
18 ‘Holy Cross Wilderness Addition Proposal’ and
19 dated June 24, 2019, which shall be incorporated
20 into, and managed as part of, the Holy Cross Wil-
21 derness designated by section 102(a)(5) of Public
22 Law 96–560 (94 Stat. 3266).

23 “(24) HOOSIER RIDGE WILDERNESS.—Certain
24 Federal land within the White River National Forest
25 that comprises approximately 5,235 acres, as gen-
26 erally depicted as ‘Proposed Hoosier Ridge Wilder-

1 ness’ on the map entitled ‘Tenmile Proposal’ and
2 dated June 24, 2019, which shall be known as the
3 ‘Hoosier Ridge Wilderness’.

4 “(25) TENMILE WILDERNESS.—Certain Federal
5 land within the White River National Forest that
6 comprises approximately 7,624 acres, as generally
7 depicted as ‘Proposed Tenmile Wilderness’ on the
8 map entitled ‘Tenmile Proposal’ and dated June 24,
9 2019, which shall be known as the ‘Tenmile Wilder-
10 ness’.

11 “(26) EAGLES NEST WILDERNESS ADDI-
12 TIONS.—Certain Federal land within the White
13 River National Forest that comprises approximately
14 9,670 acres, as generally depicted as ‘Proposed
15 Freeman Creek Wilderness Addition’ and ‘Proposed
16 Spraddle Creek Wilderness Addition’ on the map en-
17 titled ‘Eagles Nest Wilderness Additions Proposal’
18 and dated June 24, 2019, which shall be incor-
19 porated into, and managed as part of, the Eagles
20 Nest Wilderness designated by Public Law 94–352
21 (90 Stat. 870).”.

22 (b) APPLICABLE LAW.—Any reference in the Wilder-
23 ness Act (16 U.S.C. 1131 et seq.) to the effective date
24 of that Act shall be considered to be a reference to the

1 date of enactment of this subtitle for purposes of admin-
2 istering a covered area.

3 (c) FIRE, INSECTS, AND DISEASES.—In accordance
4 with section 4(d)(1) of the Wilderness Act (16 U.S.C.
5 1133(d)(1)), the Secretary may carry out any activity in
6 a covered area that the Secretary determines to be nec-
7 essary for the control of fire, insects, and diseases, subject
8 to such terms and conditions as the Secretary determines
9 to be appropriate.

10 (d) GRAZING.—The grazing of livestock on a covered
11 area, if established before the date of enactment of this
12 subtitle, shall be permitted to continue subject to such rea-
13 sonable regulations as are considered to be necessary by
14 the Secretary, in accordance with—

15 (1) section 4(d)(4) of the Wilderness Act (16
16 U.S.C. 1133(d)(4)); and

17 (2) the guidelines set forth in Appendix A of
18 the report of the Committee on Interior and Insular
19 Affairs of the House of Representatives accom-
20 panying H.R. 2570 of the 101st Congress (H. Rept.
21 101–405).

22 (e) COORDINATION.—For purposes of administering
23 the Federal land designated as wilderness by paragraph
24 (26) of section 2(a) of the Colorado Wilderness Act of
25 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as

1 added by subsection (a)(2)), the Secretary shall, as deter-
2 mined to be appropriate for the protection of watersheds,
3 coordinate the activities of the Secretary in response to
4 fires and flooding events with interested State and local
5 agencies, including operations using aircraft or mecha-
6 nized equipment.

7 **SEC. 5613. WILLIAMS FORK MOUNTAINS WILDERNESS.**

8 (a) DESIGNATION.—In furtherance of the purposes of
9 the Wilderness Act (16 U.S.C. 1131 et seq.), certain Fed-
10 eral land in the White River National Forest in the State,
11 comprising approximately 8,036 acres, as generally de-
12 picted as “Proposed Williams Fork Mountains Wilder-
13 ness” on the map entitled “Williams Fork Mountains Pro-
14 posal” and dated June 24, 2019, is designated as a poten-
15 tial wilderness area.

16 (b) MANAGEMENT.—Subject to valid existing rights
17 and except as provided in subsection (d), the potential wil-
18 derness area designated by subsection (a) shall be man-
19 aged in accordance with—

20 (1) the Wilderness Act (16 U.S.C. 1131 et
21 seq.); and

22 (2) this section.

23 (c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

24 (1) IN GENERAL.—Not later than 3 years after
25 the date of enactment of this subtitle, in accordance

1 with applicable laws (including regulations), the Sec-
2 retary shall publish a determination regarding
3 whether to authorize livestock grazing or other use
4 by livestock on the vacant allotments known as—

5 (A) the “Big Hole Allotment”; and

6 (B) the “Blue Ridge Allotment”.

7 (2) MODIFICATION OF ALLOTMENTS.—In pub-
8 lishing a determination pursuant to paragraph (1),
9 the Secretary may modify or combine the vacant al-
10 lotments referred to in that paragraph.

11 (3) PERMIT OR OTHER AUTHORIZATION.—Not
12 later than 1 year after the date on which a deter-
13 mination of the Secretary to authorize livestock
14 grazing or other use by livestock is published under
15 paragraph (1), if applicable, the Secretary shall
16 grant a permit or other authorization for that live-
17 stock grazing or other use in accordance with appli-
18 cable laws (including regulations).

19 (d) RANGE IMPROVEMENTS.—

20 (1) IN GENERAL.—If the Secretary permits live-
21 stock grazing or other use by livestock on the poten-
22 tial wilderness area under subsection (c), the Sec-
23 retary, or a third party authorized by the Secretary,
24 may use any motorized or mechanized transport or
25 equipment for purposes of constructing or rehabili-

1 tating such range improvements as are necessary to
2 obtain appropriate livestock management objectives
3 (including habitat and watershed restoration).

4 (2) TERMINATION OF AUTHORITY.—The au-
5 thority provided by this subsection terminates on the
6 date that is 2 years after the date on which the Sec-
7 retary publishes a positive determination under sub-
8 section (c)(3).

9 (e) DESIGNATION AS WILDERNESS.—

10 (1) DESIGNATION.—The potential wilderness
11 area designated by subsection (a) shall be designated
12 as wilderness, to be known as the “Williams Fork
13 Mountains Wilderness”—

14 (A) effective not earlier than the date that
15 is 180 days after the date of enactment this
16 subtitle; and

17 (B) on the earliest of—

18 (i) the date on which the Secretary
19 publishes in the Federal Register a notice
20 that the construction or rehabilitation of
21 range improvements under subsection (d)
22 is complete;

23 (ii) the date described in subsection
24 (d)(2); and

1 (iii) the effective date of a determina-
2 tion of the Secretary not to authorize live-
3 stock grazing or other use by livestock
4 under subsection (c)(1).

5 (2) ADMINISTRATION.—Subject to valid existing
6 rights, the Secretary shall manage the Williams
7 Fork Mountains Wilderness in accordance with—

8 (A) the Colorado Wilderness Act of 1993
9 (16 U.S.C. 1132 note; Public Law 103–77);
10 and

11 (B) this part.

12 **SEC. 5614. TENMILE RECREATION MANAGEMENT AREA.**

13 (a) DESIGNATION.—Subject to valid existing rights,
14 the approximately 17,122 acres of Federal land in the
15 White River National Forest in the State, as generally de-
16 picted as “Proposed Tenmile Recreation Management
17 Area” on the map entitled “Tenmile Proposal” and dated
18 June 24, 2019, are designated as the “Tenmile Recreation
19 Management Area”.

20 (b) PURPOSES.—The purposes of the Recreation
21 Management Area are to conserve, protect, and enhance
22 for the benefit and enjoyment of present and future gen-
23 erations the recreational, scenic, watershed, habitat, and
24 ecological resources of the Recreation Management Area.

25 (c) MANAGEMENT.—

1 (1) IN GENERAL.—The Secretary shall manage
2 the Recreation Management Area—

3 (A) in a manner that conserves, protects,
4 and enhances—

5 (i) the purposes of the Recreation
6 Management Area described in subsection
7 (b); and

8 (ii) recreation opportunities, including
9 mountain biking, hiking, fishing, horseback
10 riding, snowshoeing, climbing, skiing,
11 camping, and hunting; and

12 (B) in accordance with—

13 (i) the Forest and Rangeland Renew-
14 able Resources Planning Act of 1974 (16
15 U.S.C. 1600 et seq.);

16 (ii) any other applicable laws (includ-
17 ing regulations); and

18 (iii) this section.

19 (2) USES.—

20 (A) IN GENERAL.—The Secretary shall
21 only allow such uses of the Recreation Manage-
22 ment Area as the Secretary determines would
23 further the purposes described in subsection
24 (b).

25 (B) VEHICLES.—

1 (i) IN GENERAL.—Except as provided
2 in clause (iii), the use of motorized vehicles
3 in the Recreation Management Area shall
4 be limited to the roads, vehicle classes, and
5 periods authorized for motorized vehicle
6 use on the date of enactment of this sub-
7 title.

8 (ii) NEW OR TEMPORARY ROADS.—
9 Except as provided in clause (iii), no new
10 or temporary road shall be constructed in
11 the Recreation Management Area.

12 (iii) EXCEPTIONS.—Nothing in clause
13 (i) or (ii) prevents the Secretary from—

14 (I) rerouting or closing an exist-
15 ing road or trail to protect natural re-
16 sources from degradation, as the Sec-
17 retary determines to be appropriate;

18 (II) authorizing the use of motor-
19 ized vehicles for administrative pur-
20 poses or roadside camping;

21 (III) constructing temporary
22 roads or permitting the use of motor-
23 ized vehicles to carry out pre- or post-
24 fire watershed protection projects;

1 (IV) authorizing the use of mo-
2 torized vehicles to carry out any activ-
3 ity described in subsection (d), (e)(1),
4 or (f); or

5 (V) responding to an emergency.

6 (C) COMMERCIAL TIMBER.—

7 (i) IN GENERAL.—Subject to clause
8 (ii), no project shall be carried out in the
9 Recreation Management Area for the pur-
10 pose of harvesting commercial timber.

11 (ii) LIMITATION.—Nothing in clause
12 (i) prevents the Secretary from harvesting
13 or selling a merchantable product that is a
14 byproduct of an activity authorized under
15 this section.

16 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
17 may carry out any activity, in accordance with applicable
18 laws (including regulations), that the Secretary deter-
19 mines to be necessary to prevent, control, or mitigate fire,
20 insects, or disease in the Recreation Management Area,
21 subject to such terms and conditions as the Secretary de-
22 termines to be appropriate.

23 (e) WATER.—

24 (1) EFFECT ON WATER MANAGEMENT INFRA-
25 STRUCTURE.—Nothing in this section affects the

1 construction, repair, reconstruction, replacement, op-
2 eration, maintenance, or renovation within the
3 Recreation Management Area of—

4 (A) water management infrastructure in
5 existence on the date of enactment of this sub-
6 title; or

7 (B) any future infrastructure necessary for
8 the development or exercise of water rights de-
9 creed before the date of enactment of this sub-
10 title.

11 (2) APPLICABLE LAW.—Section 3(e) of the
12 James Peak Wilderness and Protection Area Act
13 (Public Law 107–216; 116 Stat. 1058) shall apply
14 to the Recreation Management Area.

15 (f) REGIONAL TRANSPORTATION PROJECTS.—Noth-
16 ing in this section precludes the Secretary from author-
17 izing, in accordance with applicable laws (including regula-
18 tions), the use or leasing of Federal land within the Reere-
19 ation Management Area for—

20 (1) a regional transportation project, includ-
21 ing—

22 (A) highway widening or realignment; and

23 (B) construction of multimodal transpor-
24 tation systems; or

1 (2) any infrastructure, activity, or safety meas-
2 ure associated with the implementation or use of a
3 facility constructed under paragraph (1).

4 (g) APPLICABLE LAW.—Nothing in this section af-
5 fects the designation of the Federal land within the Recre-
6 ation Management Area for purposes of—

7 (1) section 138 of title 23, United States Code;
8 or

9 (2) section 303 of title 49, United States Code.

10 (h) PERMITS.—Nothing in this section alters or lim-
11 its—

12 (1) any permit held by a ski area or other enti-
13 ty; or

14 (2) the acceptance, review, or implementation of
15 associated activities or facilities proposed or author-
16 ized by law or permit outside the boundaries of the
17 Recreation Management Area.

18 **SEC. 5615. PORCUPINE GULCH WILDLIFE CONSERVATION**

19 **AREA.**

20 (a) DESIGNATION.—Subject to valid existing rights,
21 the approximately 8,287 acres of Federal land located in
22 the White River National Forest, as generally depicted as
23 “Proposed Porcupine Gulch Wildlife Conservation Area”
24 on the map entitled “Porcupine Gulch Wildlife Conserva-
25 tion Area Proposal” and dated June 24, 2019, are des-

1 ignated as the “Porcupine Gulch Wildlife Conservation
2 Area” (referred to in this section as the “Wildlife Con-
3 servation Area”).

4 (b) PURPOSES.—The purposes of the Wildlife Con-
5 servation Area are—

6 (1) to conserve and protect a wildlife migration
7 corridor over Interstate 70; and

8 (2) to conserve, protect, and enhance for the
9 benefit and enjoyment of present and future genera-
10 tions the wildlife, scenic, roadless, watershed, and
11 ecological resources of the Wildlife Conservation
12 Area.

13 (c) MANAGEMENT.—

14 (1) IN GENERAL.—The Secretary shall manage
15 the Wildlife Conservation Area—

16 (A) in a manner that conserves, protects,
17 and enhances the purposes described in sub-
18 section (b); and

19 (B) in accordance with—

20 (i) the Forest and Rangeland Renew-
21 able Resources Planning Act of 1974 (16
22 U.S.C. 1600 et seq.);

23 (ii) any other applicable laws (includ-
24 ing regulations); and

25 (iii) this section.

1 (2) USES.—

2 (A) IN GENERAL.—The Secretary shall
3 only allow such uses of the Wildlife Conserva-
4 tion Area as the Secretary determines would
5 further the purposes described in subsection
6 (b).

7 (B) RECREATION.—The Secretary may
8 permit such recreational activities in the Wild-
9 life Conservation Area that the Secretary deter-
10 mines are consistent with the purposes de-
11 scribed in subsection (b).

12 (C) MOTORIZED VEHICLES AND MECHA-
13 NIZED TRANSPORT; NEW OR TEMPORARY
14 ROADS.—

15 (i) MOTORIZED VEHICLES AND
16 MECHANIZED TRANSPORT.—Except as pro-
17 vided in clause (iii), the use of motorized
18 vehicles and mechanized transport in the
19 Wildlife Conservation Area shall be prohib-
20 ited.

21 (ii) NEW OR TEMPORARY ROADS.—
22 Except as provided in clause (iii) and sub-
23 section (e), no new or temporary road shall
24 be constructed within the Wildlife Con-
25 servation Area.

1 (iii) EXCEPTIONS.—Nothing in clause
2 (i) or (ii) prevents the Secretary from—

3 (I) authorizing the use of motor-
4 ized vehicles or mechanized transport
5 for administrative purposes;

6 (II) constructing temporary
7 roads or permitting the use of motor-
8 ized vehicles or mechanized transport
9 to carry out pre- or post-fire water-
10 shed protection projects;

11 (III) authorizing the use of mo-
12 torized vehicles or mechanized trans-
13 port to carry out activities described
14 in subsection (d) or (e); or

15 (IV) responding to an emergency.

16 (D) COMMERCIAL TIMBER.—

17 (i) IN GENERAL.—Subject to clause
18 (ii), no project shall be carried out in the
19 Wildlife Conservation Area for the purpose
20 of harvesting commercial timber.

21 (ii) LIMITATION.—Nothing in clause
22 (i) prevents the Secretary from harvesting
23 or selling a merchantable product that is a
24 byproduct of an activity authorized under
25 this section.

1 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
2 may carry out any activity, in accordance with applicable
3 laws (including regulations), that the Secretary deter-
4 mines to be necessary to prevent, control, or mitigate fire,
5 insects, or disease in the Wildlife Conservation Area, sub-
6 ject to such terms and conditions as the Secretary deter-
7 mines to be appropriate.

8 (e) REGIONAL TRANSPORTATION PROJECTS.—Noth-
9 ing in this section or section 5620(f) precludes the Sec-
10 retary from authorizing, in accordance with applicable
11 laws (including regulations), the use or leasing of Federal
12 land within the Wildlife Conservation Area for—

13 (1) a regional transportation project, includ-
14 ing—

15 (A) highway widening or realignment; and

16 (B) construction of multimodal transpor-
17 tation systems; or

18 (2) any infrastructure, activity, or safety meas-
19 ure associated with the implementation or use of a
20 facility constructed under paragraph (1).

21 (f) APPLICABLE LAW.—Nothing in this section af-
22 fects the designation of the Federal land within the Wild-
23 life Conservation Area for purposes of—

24 (1) section 138 of title 23, United States Code;
25 or

1 (2) section 303 of title 49, United States Code.

2 (g) WATER.—Section 3(e) of the James Peak Wilder-
3 ness and Protection Area Act (Public Law 107–216; 116
4 Stat. 1058) shall apply to the Wildlife Conservation Area.

5 **SEC. 5616. WILLIAMS FORK MOUNTAINS WILDLIFE CON-**
6 **SERVATION AREA.**

7 (a) DESIGNATION.—Subject to valid existing rights,
8 the approximately 3,528 acres of Federal land in the
9 White River National Forest in the State, as generally de-
10 picted as “Proposed Williams Fork Mountains Wildlife
11 Conservation Area” on the map entitled “Williams Fork
12 Mountains Proposal” and dated June 24, 2019, are des-
13 igned as the “Williams Fork Mountains Wildlife Con-
14 servation Area” (referred to in this section as the “Wild-
15 life Conservation Area”).

16 (b) PURPOSES.—The purposes of the Wildlife Con-
17 servation Area are to conserve, protect, and enhance for
18 the benefit and enjoyment of present and future genera-
19 tions the wildlife, scenic, roadless, watershed, recreational,
20 and ecological resources of the Wildlife Conservation Area.

21 (c) MANAGEMENT.—

22 (1) IN GENERAL.—The Secretary shall manage
23 the Wildlife Conservation Area—

1 (A) in a manner that conserves, protects,
2 and enhances the purposes described in sub-
3 section (b); and

4 (B) in accordance with—

5 (i) the Forest and Rangeland Renew-
6 able Resources Planning Act of 1974 (16
7 U.S.C. 1600 et seq.);

8 (ii) any other applicable laws (includ-
9 ing regulations); and

10 (iii) this section.

11 (2) USES.—

12 (A) IN GENERAL.—The Secretary shall
13 only allow such uses of the Wildlife Conserva-
14 tion Area as the Secretary determines would
15 further the purposes described in subsection
16 (b).

17 (B) MOTORIZED VEHICLES.—

18 (i) IN GENERAL.—Except as provided
19 in clause (iii), the use of motorized vehicles
20 in the Wildlife Conservation Area shall be
21 limited to designated roads and trails.

22 (ii) NEW OR TEMPORARY ROADS.—
23 Except as provided in clause (iii), no new
24 or temporary road shall be constructed in
25 the Wildlife Conservation Area.

1 (iii) EXCEPTIONS.—Nothing in clause
2 (i) or (ii) prevents the Secretary from—

3 (I) authorizing the use of motor-
4 ized vehicles for administrative pur-
5 poses;

6 (II) authorizing the use of motor-
7 ized vehicles to carry out activities de-
8 scribed in subsection (d); or

9 (III) responding to an emer-
10 gency.

11 (C) BICYCLES.—The use of bicycles in the
12 Wildlife Conservation Area shall be limited to
13 designated roads and trails.

14 (D) COMMERCIAL TIMBER.—

15 (i) IN GENERAL.—Subject to clause
16 (ii), no project shall be carried out in the
17 Wildlife Conservation Area for the purpose
18 of harvesting commercial timber.

19 (ii) LIMITATION.—Nothing in clause
20 (i) prevents the Secretary from harvesting
21 or selling a merchantable product that is a
22 byproduct of an activity authorized under
23 this section.

24 (E) GRAZING.—The laws (including regu-
25 lations) and policies followed by the Secretary

1 in issuing and administering grazing permits or
2 leases on land under the jurisdiction of the Sec-
3 retary shall continue to apply with regard to
4 the land in the Wildlife Conservation Area, con-
5 sistent with the purposes described in sub-
6 section (b).

7 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
8 may carry out any activity, in accordance with applicable
9 laws (including regulations), that the Secretary deter-
10 mines to be necessary to prevent, control, or mitigate fire,
11 insects, or disease in the Wildlife Conservation Area, sub-
12 ject to such terms and conditions as the Secretary deter-
13 mines to be appropriate.

14 (e) REGIONAL TRANSPORTATION PROJECTS.—Noth-
15 ing in this section or section 5620(f) precludes the Sec-
16 retary from authorizing, in accordance with applicable
17 laws (including regulations), the use or leasing of Federal
18 land within the Wildlife Conservation Area for—

19 (1) a regional transportation project, includ-
20 ing—

21 (A) highway widening or realignment; and

22 (B) construction of multimodal transpor-
23 tation systems; or

1 (2) any infrastructure, activity, or safety meas-
2 ure associated with the implementation or use of a
3 facility constructed under paragraph (1).

4 (f) WATER.—Section 3(e) of the James Peak Wilder-
5 ness and Protection Area Act (Public Law 107–216; 116
6 Stat. 1058) shall apply to the Wildlife Conservation Area.

7 **SEC. 5617. CAMP HALE NATIONAL HISTORIC LANDSCAPE.**

8 (a) DESIGNATION.—Subject to valid existing rights,
9 the approximately 28,676 acres of Federal land in the
10 White River National Forest in the State, as generally de-
11 picted as “Proposed Camp Hale National Historic Land-
12 scape” on the map entitled “Camp Hale National Historic
13 Landscape Proposal” and dated June 24, 2019, are des-
14 ignated the “Camp Hale National Historic Landscape”.

15 (b) PURPOSES.—The purposes of the Historic Land-
16 scape are—

17 (1) to provide for—

18 (A) the interpretation of historic events,
19 activities, structures, and artifacts of the His-
20 toric Landscape, including with respect to the
21 role of the Historic Landscape in local, na-
22 tional, and world history;

23 (B) the historic preservation of the His-
24 toric Landscape, consistent with—

1 (i) the designation of the Historic
2 Landscape as a national historic site; and

3 (ii) the other purposes of the Historic
4 Landscape;

5 (C) recreational opportunities, with an em-
6 phasis on the activities related to the historic
7 use of the Historic Landscape, including skiing,
8 snowshoeing, snowmobiling, hiking, horseback
9 riding, climbing, other road- and trail-based ac-
10 tivities, and other outdoor activities; and

11 (D) the continued environmental remedi-
12 ation and removal of unexploded ordnance at
13 the Camp Hale Formerly Used Defense Site
14 and the Camp Hale historic cantonment area;
15 and

16 (2) to conserve, protect, restore, and enhance
17 for the benefit and enjoyment of present and future
18 generations the scenic, watershed, and ecological re-
19 sources of the Historic Landscape.

20 (c) MANAGEMENT.—

21 (1) IN GENERAL.—The Secretary shall manage
22 the Historic Landscape in accordance with—

23 (A) the purposes of the Historic Landscape
24 described in subsection (b); and

1 (B) any other applicable laws (including
2 regulations).

3 (2) MANAGEMENT PLAN.—

4 (A) IN GENERAL.—Not later than 5 years
5 after the date of enactment of this subtitle, the
6 Secretary shall prepare a management plan for
7 the Historic Landscape.

8 (B) CONTENTS.—The management plan
9 prepared under subparagraph (A) shall include
10 plans for—

11 (i) improving the interpretation of his-
12 toric events, activities, structures, and arti-
13 facts of the Historic Landscape, including
14 with respect to the role of the Historic
15 Landscape in local, national, and world
16 history;

17 (ii) conducting historic preservation
18 and veteran outreach and engagement ac-
19 tivities;

20 (iii) managing recreational opportuni-
21 ties, including the use and stewardship
22 of—

23 (I) the road and trail systems;
24 and

1 (II) dispersed recreation re-
2 sources;

3 (iv) the conservation, protection, res-
4 toration, or enhancement of the scenic, wa-
5 tershed, and ecological resources of the
6 Historic Landscape, including—

7 (I) conducting the restoration
8 and enhancement project under sub-
9 section (d);

10 (II) forest fuels, wildfire, and
11 mitigation management; and

12 (III) watershed health and pro-
13 tection;

14 (v) environmental remediation and,
15 consistent with subsection (e)(2), the re-
16 moval of unexploded ordnance; and

17 (vi) managing the Historic Landscape
18 in accordance with subsection (g).

19 (3) EXPLOSIVE HAZARDS.—The Secretary shall
20 provide to the Secretary of the Army a notification
21 of any unexploded ordnance (as defined in section
22 101(e) of title 10, United States Code) that is dis-
23 covered in the Historic Landscape.

24 (d) CAMP HALE RESTORATION AND ENHANCEMENT
25 PROJECT.—

1 (1) IN GENERAL.—The Secretary shall conduct
2 a restoration and enhancement project in the His-
3 toric Landscape—

4 (A) to improve aquatic, riparian, and wet-
5 land conditions in and along the Eagle River
6 and tributaries of the Eagle River;

7 (B) to maintain or improve recreation and
8 interpretive opportunities and facilities; and

9 (C) to conserve historic values in the Camp
10 Hale area.

11 (2) COORDINATION.—In carrying out the
12 project described in paragraph (1), the Secretary
13 shall coordinate with, and provide the opportunity to
14 collaborate on the project to—

15 (A) the Corps of Engineers;

16 (B) the Camp Hale-Eagle River Head-
17 waters Collaborative Group;

18 (C) the National Forest Foundation;

19 (D) the Colorado Department of Public
20 Health and Environment;

21 (E) the Colorado State Historic Preserva-
22 tion Office;

23 (F) the Colorado Department of Natural
24 Resources;

25 (G) units of local government; and

1 (H) other interested organizations and
2 members of the public.

3 (e) ENVIRONMENTAL REMEDIATION.—

4 (1) IN GENERAL.—The Secretary of the Army
5 shall continue to carry out the projects and activities
6 of the Department of the Army in existence on the
7 date of enactment of this subtitle relating to cleanup
8 of—

9 (A) the Camp Hale Formerly Used De-
10 fense Site; or

11 (B) the Camp Hale historic cantonment
12 area.

13 (2) REMOVAL OF UNEXPLODED ORDNANCE.—

14 (A) IN GENERAL.—The Secretary of the
15 Army may remove unexploded ordnance (as de-
16 fined in section 101(e) of title 10, United
17 States Code) from the Historic Landscape, as
18 the Secretary of the Army determines to be ap-
19 propriate in accordance with applicable law (in-
20 cluding regulations).

21 (B) ACTION ON RECEIPT OF NOTICE.—On
22 receipt from the Secretary of a notification of
23 unexploded ordnance under subsection (c)(3),
24 the Secretary of the Army may remove the
25 unexploded ordnance in accordance with—

1 (i) the program for environmental res-
2 toration of formerly used defense sites
3 under section 2701 of title 10, United
4 States Code;

5 (ii) the Comprehensive Environmental
6 Response, Compensation, and Liability Act
7 of 1980 (42 U.S.C. 9601 et seq.); and

8 (iii) any other applicable provision of
9 law (including regulations).

10 (3) EFFECT OF SUBSECTION.—Nothing in this
11 subsection modifies any obligation in existence on
12 the date of enactment of this subtitle relating to en-
13 vironmental remediation or removal of any
14 unexploded ordnance located in or around the Camp
15 Hale historic cantonment area, the Camp Hale For-
16 merly Used Defense Site, or the Historic Landscape,
17 including such an obligation under—

18 (A) the program for environmental restora-
19 tion of formerly used defense sites under sec-
20 tion 2701 of title 10, United States Code;

21 (B) the Comprehensive Environmental Re-
22 sponse, Compensation, and Liability Act of
23 1980 (42 U.S.C. 9601 et seq.); or

24 (C) any other applicable provision of law
25 (including regulations).

1 (f) INTERAGENCY AGREEMENT.—The Secretary and
2 the Secretary of the Army shall enter into an agreement—

3 (1) to specify—

4 (A) the activities of the Secretary relating
5 to the management of the Historic Landscape;
6 and

7 (B) the activities of the Secretary of the
8 Army relating to environmental remediation
9 and the removal of unexploded ordnance in ac-
10 cordance with subsection (e) and other applica-
11 ble laws (including regulations); and

12 (2) to require the Secretary to provide to the
13 Secretary of the Army, by not later than 1 year
14 after the date of enactment of this subtitle and peri-
15 odically thereafter, as appropriate, a management
16 plan for the Historic Landscape for purposes of the
17 removal activities described in subsection (e).

18 (g) EFFECT.—Nothing in this section—

19 (1) affects the jurisdiction of the State over any
20 water law, water right, or adjudication or adminis-
21 tration relating to any water resource;

22 (2) affects any water right in existence on the
23 date of enactment of this subtitle, or the exercise of
24 such a water right, including—

1 (A) a water right subject to an interstate
2 water compact (including full development of
3 any apportionment made in accordance with
4 such a compact);

5 (B) a water right decreed within, above,
6 below, or through the Historic Landscape;

7 (C) a change, exchange, plan for aug-
8 mentation, or other water decree with respect to
9 a water right, including a conditional water
10 right, in existence on the date of enactment of
11 this subtitle—

12 (i) that is consistent with the pur-
13 poses described in subsection (b); and

14 (ii) that does not result in diversion of
15 a greater flow rate or volume of water for
16 such a water right in existence on the date
17 of enactment of this subtitle;

18 (D) a water right held by the United
19 States;

20 (E) the management or operation of any
21 reservoir, including the storage, management,
22 release, or transportation of water; and

23 (F) the construction or operation of such
24 infrastructure as is determined to be necessary
25 by an individual or entity holding water rights

1 to develop and place to beneficial use those
2 rights, subject to applicable Federal, State, and
3 local law (including regulations);

4 (3) constitutes an express or implied reservation
5 by the United States of any reserved or appropria-
6 tive water right;

7 (4) alters or limits—

8 (A) a permit held by a ski area;

9 (B) the implementation of activities gov-
10 erned by a ski area permit; or

11 (C) the authority of the Secretary to mod-
12 ify or expand an existing ski area permit;

13 (5) prevents the Secretary from closing portions
14 of the Historic Landscape for public safety, environ-
15 mental remediation, or other use in accordance with
16 applicable laws; or

17 (6) affects—

18 (A) any special use permit in effect on the
19 date of enactment of this subtitle; or

20 (B) the renewal of a permit described in
21 subparagraph (A).

22 (h) FUNDING.—

23 (1) IN GENERAL.—There is established in the
24 general fund of the Treasury a special account, to

1 be known as the “Camp Hale Historic Preservation
2 and Restoration Fund”.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Camp
5 Hale Historic Preservation and Restoration Fund
6 \$10,000,000, to be available to the Secretary until
7 expended, for activities relating to historic interpre-
8 tation, preservation, and restoration carried out in
9 and around the Historic Landscape.

10 (i) DESIGNATION OF OVERLOOK.—The interpretive
11 site located beside United States Route 24 in the State,
12 at 39.431N 106.323W, is designated as the “Sandy Treat
13 Overlook”.

14 **SEC. 5618. WHITE RIVER NATIONAL FOREST BOUNDARY**
15 **MODIFICATION.**

16 (a) IN GENERAL.—The boundary of the White River
17 National Forest is modified to include the approximately
18 120 acres comprised of the SW¹/₄, the SE¹/₄, and the
19 NE¹/₄ of the SE¹/₄ of sec. 1, T. 2 S., R. 80 W., 6th Prin-
20 cipal Meridian, in Summit County in the State.

21 (b) LAND AND WATER CONSERVATION FUND.—For
22 purposes of section 200306 of title 54, United States
23 Code, the boundaries of the White River National Forest,
24 as modified by subsection (a), shall be considered to be

1 the boundaries of the White River National Forest as in
2 existence on January 1, 1965.

3 **SEC. 5619. ROCKY MOUNTAIN NATIONAL PARK POTENTIAL**
4 **WILDERNESS BOUNDARY ADJUSTMENT.**

5 (a) PURPOSE.—The purpose of this section is to pro-
6 vide for the ongoing maintenance and use of portions of
7 the Trail River Ranch and the associated property located
8 within Rocky Mountain National Park in Grand County
9 in the State.

10 (b) BOUNDARY ADJUSTMENT.—Section 1952(b) of
11 the Omnibus Public Land Management Act of 2009 (Pub-
12 lic Law 111–11; 123 Stat. 1070) is amended by adding
13 at the end the following:

14 “(3) BOUNDARY ADJUSTMENT.—The boundary
15 of the Potential Wilderness is modified to exclude
16 the area comprising approximately 15.5 acres of
17 land identified as ‘Potential Wilderness to Non-wil-
18 derness’ on the map entitled ‘Rocky Mountain Na-
19 tional Park Proposed Wilderness Area Amendment’
20 and dated January 16, 2018.”.

21 **SEC. 5620. ADMINISTRATIVE PROVISIONS.**

22 (a) FISH AND WILDLIFE.—Nothing in this part af-
23 fects the jurisdiction or responsibility of the State with
24 respect to fish and wildlife in the State.

25 (b) NO BUFFER ZONES.—

1 (1) IN GENERAL.—Nothing in this part or an
2 amendment made by this part establishes a protec-
3 tive perimeter or buffer zone around—

4 (A) a covered area;

5 (B) a wilderness area or potential wilder-
6 ness area designated by section 5613;

7 (C) the Recreation Management Area;

8 (D) a Wildlife Conservation Area; or

9 (E) the Historic Landscape.

10 (2) OUTSIDE ACTIVITIES.—The fact that a non-
11 wilderness activity or use on land outside of an area
12 described in paragraph (1) can be seen or heard
13 from within the applicable area described in para-
14 graph (1) shall not preclude the activity or use out-
15 side the boundary of the applicable area described in
16 paragraph (1).

17 (c) TRIBAL RIGHTS AND USES.—

18 (1) TREATY RIGHTS.—Nothing in this part af-
19 fects the treaty rights of an Indian Tribe.

20 (2) TRADITIONAL TRIBAL USES.—Subject to
21 any terms and conditions that the Secretary deter-
22 mines to be necessary and in accordance with appli-
23 cable law, the Secretary shall allow for the continued
24 use of the areas described in subsection (b)(1) by
25 members of Indian Tribes—

1 (A) for traditional ceremonies; and

2 (B) as a source of traditional plants and
3 other materials.

4 (d) MAPS AND LEGAL DESCRIPTIONS.—

5 (1) IN GENERAL.—As soon as practicable after
6 the date of enactment of this subtitle, the Secretary
7 shall file maps and legal descriptions of each area
8 described in subsection (b)(1) with—

9 (A) the Committee on Natural Resources
10 of the House of Representatives; and

11 (B) the Committee on Energy and Natural
12 Resources of the Senate.

13 (2) FORCE OF LAW.—Each map and legal de-
14 scription filed under paragraph (1) shall have the
15 same force and effect as if included in this part, ex-
16 cept that the Secretary may correct any typo-
17 graphical errors in the maps and legal descriptions.

18 (3) PUBLIC AVAILABILITY.—Each map and
19 legal description filed under paragraph (1) shall be
20 on file and available for public inspection in the ap-
21 propriate offices of the Forest Service.

22 (e) ACQUISITION OF LAND.—

23 (1) IN GENERAL.—The Secretary may acquire
24 any land or interest in land within the boundaries of
25 an area described in subsection (b)(1) only through

1 exchange, donation, or purchase from a willing sell-
2 er.

3 (2) MANAGEMENT.—Any land or interest in
4 land acquired under paragraph (1) shall be incor-
5 porated into, and administered as a part of, the wil-
6 derness area, Recreation Management Area, Wildlife
7 Conservation Area, or Historic Landscape, as appli-
8 cable, in which the land or interest in land is lo-
9 cated.

10 (f) WITHDRAWAL.—Subject to valid rights in exist-
11 ence on the date of enactment of this subtitle, the areas
12 described in subsection (b)(1) are withdrawn from—

13 (1) entry, appropriation, and disposal under the
14 public land laws;

15 (2) location, entry, and patent under mining
16 laws; and

17 (3) operation of the mineral leasing, mineral
18 materials, and geothermal leasing laws.

19 (g) MILITARY OVERFLIGHTS.—Nothing in this part
20 or an amendment made by this part restricts or pre-
21 cludes—

22 (1) any low-level overflight of military aircraft
23 over any area subject to this part or an amendment
24 made by this part, including military overflights that
25 can be seen, heard, or detected within such an area;

1 (2) flight testing or evaluation over an area de-
2 scribed in paragraph (1); or

3 (3) the use or establishment of—

4 (A) any new unit of special use airspace
5 over an area described in paragraph (1); or

6 (B) any military flight training or trans-
7 portation over such an area.

8 (h) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that military aviation training on Federal public
10 land in the State, including the training conducted at the
11 High-Altitude Army National Guard Aviation Training
12 Site, is critical to the national security of the United
13 States and the readiness of the Armed Forces.

14 **PART 2—SAN JUAN MOUNTAINS**

15 **SEC. 5631. DEFINITIONS.**

16 In this part:

17 (1) COVERED LAND.—The term “covered land”
18 means—

19 (A) land designated as wilderness under
20 paragraphs (27) through (29) of section 2(a) of
21 the Colorado Wilderness Act of 1993 (16
22 U.S.C. 1132 note; Public Law 103–77) (as
23 added by section 5632); and

24 (B) a Special Management Area.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (3) SPECIAL MANAGEMENT AREA.—The term
4 “Special Management Area” means each of—

5 (A) the Sheep Mountain Special Manage-
6 ment Area designated by section 5633(a)(1);
7 and

8 (B) the Liberty Bell East Special Manage-
9 ment Area designated by section 5633(a)(2).

10 **SEC. 5632. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
11 **VATION SYSTEM.**

12 Section 2(a) of the Colorado Wilderness Act of 1993
13 (16 U.S.C. 1132 note; Public Law 103–77) (as amended
14 by section 5622(a)(2)) is amended by adding at the end
15 the following:

16 “(27) LIZARD HEAD WILDERNESS ADDITION.—
17 Certain Federal land in the Grand Mesa,
18 Uncompahgre, and Gunnison National Forests com-
19 prising approximately 3,141 acres, as generally de-
20 picted on the map entitled ‘Proposed Wilson, Sun-
21 shine, Black Face and San Bernardo Additions to
22 the Lizard Head Wilderness’ and dated September
23 6, 2018, which is incorporated in, and shall be ad-
24 ministered as part of, the Lizard Head Wilderness.

1 “(28) MOUNT SNEFFELS WILDERNESS ADDI-
2 TIONS.—

3 “(A) LIBERTY BELL AND LAST DOLLAR
4 ADDITIONS.—Certain Federal land in the
5 Grand Mesa, Uncompahgre, and Gunnison Na-
6 tional Forests comprising approximately 7,235
7 acres, as generally depicted on the map entitled
8 ‘Proposed Liberty Bell and Last Dollar Addi-
9 tions to the Mt. Sneffels Wilderness, Liberty
10 Bell East Special Management Area’ and dated
11 September 6, 2018, which is incorporated in,
12 and shall be administered as part of, the Mount
13 Sneffels Wilderness.

14 “(B) WHITEHOUSE ADDITIONS.—Certain
15 Federal land in the Grand Mesa, Uncompahgre,
16 and Gunnison National Forests comprising ap-
17 proximately 12,465 acres, as generally depicted
18 on the map entitled ‘Proposed Whitehouse Ad-
19 ditions to the Mt. Sneffels Wilderness’ and
20 dated September 6, 2018, which is incorporated
21 in, and shall be administered as part of, the
22 Mount Sneffels Wilderness.

23 “(29) MCKENNA PEAK WILDERNESS.—Certain
24 Federal land in the State of Colorado comprising ap-
25 proximately 8,884 acres of Bureau of Land Manage-

1 ment land, as generally depicted on the map entitled
2 ‘Proposed McKenna Peak Wilderness Area’ and
3 dated September 18, 2018, to be known as the
4 ‘McKenna Peak Wilderness’.”.

5 **SEC. 5633. SPECIAL MANAGEMENT AREAS.**

6 (a) DESIGNATION.—

7 (1) SHEEP MOUNTAIN SPECIAL MANAGEMENT
8 AREA.—The Federal land in the Grand Mesa,
9 Uncompahgre, and Gunnison and San Juan Na-
10 tional Forests in the State comprising approximately
11 21,663 acres, as generally depicted on the map enti-
12 tled “Proposed Sheep Mountain Special Manage-
13 ment Area” and dated September 19, 2018, is des-
14 ignated as the “Sheep Mountain Special Manage-
15 ment Area”.

16 (2) LIBERTY BELL EAST SPECIAL MANAGE-
17 MENT AREA.—The Federal land in the Grand Mesa,
18 Uncompahgre, and Gunnison National Forests in
19 the State comprising approximately 792 acres, as
20 generally depicted on the map entitled “Proposed
21 Liberty Bell and Last Dollar Additions to the Mt.
22 Sneffels Wilderness, Liberty Bell East Special Man-
23 agement Area” and dated September 6, 2018, is
24 designated as the “Liberty Bell East Special Man-
25 agement Area”.

1 (b) PURPOSE.—The purpose of the Special Manage-
2 ment Areas is to conserve and protect for the benefit and
3 enjoyment of present and future generations the geologi-
4 cal, cultural, archaeological, paleontological, natural, sci-
5 entific, recreational, wilderness, wildlife, riparian, histor-
6 ical, educational, and scenic resources of the Special Man-
7 agement Areas.

8 (c) MANAGEMENT.—

9 (1) IN GENERAL.—The Secretary shall manage
10 the Special Management Areas in a manner that—

11 (A) conserves, protects, and enhances the
12 resources and values of the Special Manage-
13 ment Areas described in subsection (b);

14 (B) subject to paragraph (3), maintains or
15 improves the wilderness character of the Special
16 Management Areas and the suitability of the
17 Special Management Areas for potential inclu-
18 sion in the National Wilderness Preservation
19 System; and

20 (C) is in accordance with—

21 (i) the National Forest Management
22 Act of 1976 (16 U.S.C. 1600 et seq.);

23 (ii) this part; and

24 (iii) any other applicable laws.

1 (2) PROHIBITIONS.—The following shall be pro-
2 hibited in the Special Management Areas:

3 (A) Permanent roads.

4 (B) Except as necessary to meet the min-
5 imum requirements for the administration of
6 the Federal land, to provide access for aban-
7 doned mine cleanup, and to protect public
8 health and safety—

9 (i) the use of motor vehicles, motor-
10 ized equipment, or mechanical transport
11 (other than as provided in paragraph (3));
12 and

13 (ii) the establishment of temporary
14 roads.

15 (3) AUTHORIZED ACTIVITIES.—

16 (A) IN GENERAL.—The Secretary may
17 allow any activities (including helicopter access
18 for recreation and maintenance and the com-
19 petitive running event permitted since 1992)
20 that have been authorized by permit or license
21 as of the date of enactment of this subtitle to
22 continue within the Special Management Areas,
23 subject to such terms and conditions as the
24 Secretary may require.

1 (B) PERMITTING.—The designation of the
2 Special Management Areas by subsection (a)
3 shall not affect the issuance of permits relating
4 to the activities covered under subparagraph
5 (A) after the date of enactment of this subtitle.

6 (C) BICYCLES.—The Secretary may permit
7 the use of bicycles in—

8 (i) the portion of the Sheep Mountain
9 Special Management Area identified as
10 “Ophir Valley Area” on the map entitled
11 “Proposed Sheep Mountain Special Man-
12 agement Area” and dated September 19,
13 2018; and

14 (ii) the portion of the Liberty Bell
15 East Special Management Area identified
16 as “Liberty Bell Corridor” on the map en-
17 titled “Proposed Liberty Bell and Last
18 Dollar Additions to the Mt. Sneffels Wil-
19 derness, Liberty Bell East Special Manage-
20 ment Area” and dated September 6, 2018.

21 (d) APPLICABLE LAW.—Water and water rights in
22 the Special Management Areas shall be administered in
23 accordance with section 8 of the Colorado Wilderness Act
24 of 1993 (Public Law 103–77; 107 Stat. 762), except that,
25 for purposes of this part—

1 (1) any reference contained in that section to
2 “the lands designated as wilderness by this Act”,
3 “the Piedra, Roubideau, and Tabeguache areas iden-
4 tified in section 9 of this Act, or the Bowen Gulch
5 Protection Area or the Fossil Ridge Recreation Man-
6 agement Area identified in sections 5 and 6 of this
7 Act”, or “the areas described in sections 2, 5, 6, and
8 9 of this Act” shall be considered to be a reference
9 to “the Special Management Areas”; and

10 (2) any reference contained in that section to
11 “this Act” shall be considered to be a reference to
12 this subtitle.

13 **SEC. 5634. RELEASE OF WILDERNESS STUDY AREAS.**

14 (a) DOMINGUEZ CANYON WILDERNESS STUDY
15 AREA.—Subtitle E of title II of Public Law 111–11 is
16 amended—

17 (1) by redesignating section 2408 (16 U.S.C.
18 460zzz–7) as section 2409; and

19 (2) by inserting after section 2407 (16 U.S.C.
20 460zzz–6) the following:

21 **“SEC. 2408. RELEASE.**

22 “(a) IN GENERAL.—Congress finds that, for the pur-
23 poses of section 603(c) of the Federal Land Policy and
24 Management Act of 1976 (43 U.S.C. 1782(c)), the por-
25 tions of the Dominguez Canyon Wilderness Study Area

1 not designated as wilderness by this subtitle have been
2 adequately studied for wilderness designation.

3 “(b) RELEASE.—Any public land referred to in sub-
4 section (a) that is not designated as wilderness by this
5 subtitle—

6 “(1) is no longer subject to section 603(c) of
7 the Federal Land Policy and Management Act of
8 1976 (43 U.S.C. 1782(c)); and

9 “(2) shall be managed in accordance with this
10 subtitle and any other applicable laws.”.

11 (b) MCKENNA PEAK WILDERNESS STUDY AREA.—

12 (1) IN GENERAL.—Congress finds that, for the
13 purposes of section 603(c) of the Federal Land Pol-
14 icy and Management Act of 1976 (43 U.S.C.
15 1782(c)), the portions of the McKenna Peak Wilder-
16 ness Study Area in San Miguel County in the State
17 not designated as wilderness by paragraph (29) of
18 section 2(a) of the Colorado Wilderness Act of 1993
19 (16 U.S.C. 1132 note; Public Law 103–77) (as
20 added by section 5632) have been adequately studied
21 for wilderness designation.

22 (2) RELEASE.—Any public land referred to in
23 paragraph (1) that is not designated as wilderness
24 by paragraph (29) of section 2(a) of the Colorado

1 Wilderness Act of 1993 (16 U.S.C. 1132 note; Pub-
2 lic Law 103–77) (as added by section 5632)—

3 (A) is no longer subject to section 603(c)
4 of the Federal Land Policy and Management
5 Act of 1976 (43 U.S.C. 1782(c)); and

6 (B) shall be managed in accordance with
7 applicable laws.

8 **SEC. 5635. ADMINISTRATIVE PROVISIONS.**

9 (a) FISH AND WILDLIFE.—Nothing in this part af-
10 fects the jurisdiction or responsibility of the State with
11 respect to fish and wildlife in the State.

12 (b) NO BUFFER ZONES.—

13 (1) IN GENERAL.—Nothing in this part estab-
14 lishes a protective perimeter or buffer zone around
15 covered land.

16 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
17 fact that a nonwilderness activity or use on land out-
18 side of the covered land can be seen or heard from
19 within covered land shall not preclude the activity or
20 use outside the boundary of the covered land.

21 (c) TRIBAL RIGHTS AND USES.—

22 (1) TREATY RIGHTS.—Nothing in this part af-
23 fects the treaty rights of any Indian Tribe, including
24 rights under the Agreement of September 13, 1873,

1 ratified by the Act of April 29, 1874 (18 Stat. 36,
2 chapter 136).

3 (2) TRADITIONAL TRIBAL USES.—Subject to
4 any terms and conditions as the Secretary deter-
5 mines to be necessary and in accordance with appli-
6 cable law, the Secretary shall allow for the continued
7 use of the covered land by members of Indian
8 Tribes—

9 (A) for traditional ceremonies; and

10 (B) as a source of traditional plants and
11 other materials.

12 (d) MAPS AND LEGAL DESCRIPTIONS.—

13 (1) IN GENERAL.—As soon as practicable after
14 the date of enactment of this subtitle, the Secretary
15 or the Secretary of the Interior, as appropriate, shall
16 file a map and a legal description of each wilderness
17 area designated by paragraphs (27) through (29) of
18 section 2(a) of the Colorado Wilderness Act of 1993
19 (16 U.S.C. 1132 note; Public Law 103–77) (as
20 added by section 5632) and the Special Management
21 Areas with—

22 (A) the Committee on Natural Resources
23 of the House of Representatives; and

24 (B) the Committee on Energy and Natural
25 Resources of the Senate.

1 (2) FORCE OF LAW.—Each map and legal de-
2 scription filed under paragraph (1) shall have the
3 same force and effect as if included in this part, ex-
4 cept that the Secretary or the Secretary of the Inte-
5 rior, as appropriate, may correct any typographical
6 errors in the maps and legal descriptions.

7 (3) PUBLIC AVAILABILITY.—Each map and
8 legal description filed under paragraph (1) shall be
9 on file and available for public inspection in the ap-
10 propriate offices of the Bureau of Land Management
11 and the Forest Service.

12 (e) ACQUISITION OF LAND.—

13 (1) IN GENERAL.—The Secretary or the Sec-
14 retary of the Interior, as appropriate, may acquire
15 any land or interest in land within the boundaries of
16 a Special Management Area or the wilderness des-
17 ignated under paragraphs (27) through (29) of sec-
18 tion 2(a) of the Colorado Wilderness Act of 1993
19 (16 U.S.C. 1132 note; Public Law 103–77) (as
20 added by section 5632) only through exchange, do-
21 nation, or purchase from a willing seller.

22 (2) MANAGEMENT.—Any land or interest in
23 land acquired under paragraph (1) shall be incor-
24 porated into, and administered as a part of, the wil-

1 derness or Special Management Area in which the
2 land or interest in land is located.

3 (f) GRAZING.—The grazing of livestock on covered
4 land, if established before the date of enactment of this
5 subtitle, shall be permitted to continue subject to such rea-
6 sonable regulations as are considered to be necessary by
7 the Secretary with jurisdiction over the covered land, in
8 accordance with—

9 (1) section 4(d)(4) of the Wilderness Act (16
10 U.S.C. 1133(d)(4)); and

11 (2) the applicable guidelines set forth in Appen-
12 dix A of the report of the Committee on Interior and
13 Insular Affairs of the House of Representatives ac-
14 companying H.R. 2570 of the 101st Congress (H.
15 Rept. 101–405) or H.R. 5487 of the 96th Congress
16 (H. Rept. 96–617).

17 (g) FIRE, INSECTS, AND DISEASES.—In accordance
18 with section 4(d)(1) of the Wilderness Act (16 U.S.C.
19 1133(d)(1)), the Secretary with jurisdiction over a wilder-
20 ness area designated by paragraphs (27) through (29) of
21 section 2(a) of the Colorado Wilderness Act of 1993 (16
22 U.S.C. 1132 note; Public Law 103–77) (as added by sec-
23 tion 5632) may carry out any activity in the wilderness
24 area that the Secretary determines to be necessary for the
25 control of fire, insects, and diseases, subject to such terms

1 and conditions as the Secretary determines to be appro-
2 priate.

3 (h) WITHDRAWAL.—Subject to valid rights in exist-
4 ence on the date of enactment of this subtitle, the covered
5 land and the approximately 6,590 acres generally depicted
6 on the map entitled “Proposed Naturita Canyon Mineral
7 Withdrawal Area” and dated September 6, 2018, is with-
8 drawn from—

9 (1) entry, appropriation, and disposal under the
10 public land laws;

11 (2) location, entry, and patent under mining
12 laws; and

13 (3) operation of the mineral leasing, mineral
14 materials, and geothermal leasing laws.

15 **PART 3—THOMPSON DIVIDE**

16 **SEC. 5641. PURPOSES.**

17 The purposes of this part are—

18 (1) subject to valid existing rights, to withdraw
19 certain Federal land in the Thompson Divide area
20 from mineral and other disposal laws in order to
21 protect the agricultural, ranching, wildlife, air qual-
22 ity, recreation, ecological, and scenic values of the
23 area; and

1 (2) to promote the capture of fugitive methane
2 emissions that would otherwise be emitted into the
3 atmosphere—

4 (A) to reduce methane gas emissions; and

5 (B) to provide—

6 (i) new renewable electricity supplies
7 and other beneficial uses of fugitive meth-
8 ane emissions; and

9 (ii) increased royalties for taxpayers.

10 **SEC. 5642. DEFINITIONS.**

11 In this part:

12 (1) FUGITIVE METHANE EMISSIONS.—The term
13 “fugitive methane emissions” means methane gas
14 from the Federal land in Garfield, Gunnison, Delta,
15 or Pitkin County in the State, as generally depicted
16 on the pilot program map as “Fugitive Coal Mine
17 Methane Use Pilot Program Area”, that would leak
18 or be vented into the atmosphere from an active, in-
19 active, or abandoned underground coal mine.

20 (2) PILOT PROGRAM.—The term “pilot pro-
21 gram” means the Greater Thompson Divide Fugitive
22 Coal Mine Methane Use Pilot Program established
23 by section 5645(a)(1).

24 (3) PILOT PROGRAM MAP.—The term “pilot
25 program map” means the map entitled “Greater

1 Thompson Divide Fugitive Coal Mine Methane Use
2 Pilot Program Area” and dated June 17, 2019.

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (5) THOMPSON DIVIDE LEASE.—

6 (A) IN GENERAL.—The term “Thompson
7 Divide lease” means any oil or gas lease in ef-
8 fect on the date of enactment of this subtitle
9 within the Thompson Divide Withdrawal and
10 Protection Area.

11 (B) EXCLUSIONS.—The term “Thompson
12 Divide lease” does not include any oil or gas
13 lease that—

14 (i) is associated with a Wolf Creek
15 Storage Field development right; or

16 (ii) before the date of enactment of
17 this subtitle, has expired, been cancelled,
18 or otherwise terminated.

19 (6) THOMPSON DIVIDE MAP.—The term
20 “Thompson Divide map” means the map entitled
21 “Greater Thompson Divide Area Map” and dated
22 June 13, 2019.

23 (7) THOMPSON DIVIDE WITHDRAWAL AND PRO-
24 TECTION AREA.—The term “Thompson Divide With-
25 drawal and Protection Area” means the Federal

1 land and minerals generally depicted on the Thomp-
2 son Divide map as the “Thompson Divide With-
3 drawal and Protection Area”.

4 (8) WOLF CREEK STORAGE FIELD DEVELOP-
5 MENT RIGHT.—

6 (A) IN GENERAL.—The term “Wolf Creek
7 Storage Field development right” means a de-
8 velopment right for any of the Federal mineral
9 leases numbered COC 007496, COC 007497,
10 COC 007498, COC 007499, COC 007500, COC
11 007538, COC 008128, COC 015373, COC
12 0128018, COC 051645, and COC 051646, as
13 generally depicted on the Thompson Divide map
14 as “Wolf Creek Storage Agreement”.

15 (B) EXCLUSIONS.—The term “Wolf Creek
16 Storage Field development right” does not in-
17 clude any storage right or related activity with-
18 in the area described in subparagraph (A).

19 **SEC. 5643. THOMPSON DIVIDE WITHDRAWAL AND PROTEC-**
20 **TION AREA.**

21 (a) WITHDRAWAL.—Subject to valid rights in exist-
22 ence on the date of enactment of this subtitle, the Thomp-
23 son Divide Withdrawal and Protection Area is withdrawn
24 from—

1 (1) entry, appropriation, and disposal under the
2 public land laws;

3 (2) location, entry, and patent under the mining
4 laws; and

5 (3) operation of the mineral leasing, mineral
6 materials, and geothermal leasing laws.

7 (b) SURVEYS.—The exact acreage and legal descrip-
8 tion of the Thompson Divide Withdrawal and Protection
9 Area shall be determined by surveys approved by the Sec-
10 retary, in consultation with the Secretary of Agriculture.

11 (c) GRAZING.—Nothing in this subtitle affects the ad-
12 ministration of grazing in the Thompson Divide With-
13 drawal and Protection Area.

14 **SEC. 5644. THOMPSON DIVIDE LEASE EXCHANGE.**

15 (a) IN GENERAL.—In exchange for the relinquish-
16 ment by a leaseholder of all Thompson Divide leases of
17 the leaseholder, the Secretary may issue to the leaseholder
18 credits for any bid, royalty, or rental payment due under
19 any Federal oil or gas lease on Federal land in the State,
20 in accordance with subsection (b).

21 (b) AMOUNT OF CREDITS.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 the amount of the credits issued to a leaseholder of
24 a Thompson Divide lease relinquished under sub-
25 section (a) shall—

1 (A) be equal to the sum of—

2 (i) the amount of the bonus bids paid
3 for the applicable Thompson Divide leases;

4 (ii) the amount of any rental paid for
5 the applicable Thompson Divide leases as
6 of the date on which the leaseholder sub-
7 mits to the Secretary a notice of the deci-
8 sion to relinquish the applicable Thompson
9 Divide leases; and

10 (iii) the amount of any expenses in-
11 curred by the leaseholder of the applicable
12 Thompson Divide leases in the preparation
13 of any drilling permit, sundry notice, or
14 other related submission in support of the
15 development of the applicable Thompson
16 Divide leases as of January 28, 2019, in-
17 cluding any expenses relating to the prepa-
18 ration of any analysis under the National
19 Environmental Policy Act of 1969 (42
20 U.S.C. 4321 et seq.); and

21 (B) require the approval of the Secretary.

22 (2) EXCLUSION.—The amount of a credit
23 issued under subsection (a) shall not include any ex-
24 penses paid by the leaseholder of a Thompson Divide

1 lease for legal fees or related expenses for legal work
2 with respect to a Thompson Divide lease.

3 (c) CANCELLATION.—Effective on relinquishment
4 under this section, and without any additional action by
5 the Secretary, a Thompson Divide lease—

6 (1) shall be permanently cancelled; and

7 (2) shall not be reissued.

8 (d) CONDITIONS.—

9 (1) APPLICABLE LAW.—Except as otherwise
10 provided in this section, each exchange under this
11 section shall be conducted in accordance with—

12 (A) this subtitle; and

13 (B) other applicable laws (including regu-
14 lations).

15 (2) ACCEPTANCE OF CREDITS.—The Secretary
16 shall accept credits issued under subsection (a) in
17 the same manner as cash for the payments described
18 in that subsection.

19 (3) APPLICABILITY.—The use of a credit issued
20 under subsection (a) shall be subject to the laws (in-
21 cluding regulations) applicable to the payments de-
22 scribed in that subsection, to the extent that the
23 laws are consistent with this section.

24 (4) TREATMENT OF CREDITS.—All amounts in
25 the form of credits issued under subsection (a) ac-

1 cepted by the Secretary shall be considered to be
2 amounts received for the purposes of—

3 (A) section 35 of the Mineral Leasing Act
4 (30 U.S.C. 191); and

5 (B) section 20 of the Geothermal Steam
6 Act of 1970 (30 U.S.C. 1019).

7 (e) WOLF CREEK STORAGE FIELD DEVELOPMENT
8 RIGHTS.—

9 (1) CONVEYANCE TO SECRETARY.—As a condi-
10 tion precedent to the relinquishment of a Thompson
11 Divide lease, any leaseholder with a Wolf Creek
12 Storage Field development right shall permanently
13 relinquish, transfer, and otherwise convey to the
14 Secretary, in a form acceptable to the Secretary, all
15 Wolf Creek Storage Field development rights of the
16 leaseholder.

17 (2) LIMITATION OF TRANSFER.—An interest
18 acquired by the Secretary under paragraph (1)—

19 (A) shall be held in perpetuity; and

20 (B) shall not be—

21 (i) transferred;

22 (ii) reissued; or

23 (iii) otherwise used for mineral extrac-
24 tion.

1 **SEC. 5645. GREATER THOMPSON DIVIDE FUGITIVE COAL**
2 **MINE METHANE USE PILOT PROGRAM.**

3 (a) FUGITIVE COAL MINE METHANE USE PILOT
4 PROGRAM.—

5 (1) ESTABLISHMENT.—There is established in
6 the Bureau of Land Management a pilot program,
7 to be known as the “Greater Thompson Divide Fu-
8 gitive Coal Mine Methane Use Pilot Program”.

9 (2) PURPOSE.—The purpose of the pilot pro-
10 gram is to promote the capture, beneficial use, miti-
11 gation, and sequestration of fugitive methane emis-
12 sions—

- 13 (A) to reduce methane emissions;
14 (B) to promote economic development;
15 (C) to produce bid and royalty revenues;
16 (D) to improve air quality; and
17 (E) to improve public safety.

18 (3) PLAN.—

19 (A) IN GENERAL.—Not later than 180
20 days after the date of enactment of this sub-
21 title, the Secretary shall develop a plan—

- 22 (i) to complete an inventory of fugitive
23 methane emissions in accordance with sub-
24 section (b);

1 (ii) to provide for the leasing of fugi-
2 tive methane emissions in accordance with
3 subsection (c); and

4 (iii) to provide for the capping or de-
5 struction of fugitive methane emissions in
6 accordance with subsection (d).

7 (B) COORDINATION.—In developing the
8 plan under this paragraph, the Secretary shall
9 coordinate with—

10 (i) the State;

11 (ii) Garfield, Gunnison, Delta, and
12 Pitkin Counties in the State;

13 (iii) lessees of Federal coal within the
14 counties referred to in clause (ii);

15 (iv) interested institutions of higher
16 education in the State; and

17 (v) interested members of the public.

18 (b) FUGITIVE METHANE EMISSION INVENTORY.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this subtitle, the Secretary
21 shall complete an inventory of fugitive methane
22 emissions.

23 (2) CONDUCT.—The Secretary may conduct the
24 inventory under paragraph (1) through, or in col-
25 laboration with—

- 1 (A) the Bureau of Land Management;
- 2 (B) the United States Geological Survey;
- 3 (C) the Environmental Protection Agency;
- 4 (D) the United States Forest Service;
- 5 (E) State departments or agencies;
- 6 (F) Garfield, Gunnison, Delta, or Pitkin
7 County in the State;
- 8 (G) the Garfield County Federal Mineral
9 Lease District;
- 10 (H) institutions of higher education in the
11 State;
- 12 (I) lessees of Federal coal within a county
13 referred to in subparagraph (F);
- 14 (J) the National Oceanic and Atmospheric
15 Administration;
- 16 (K) the National Center for Atmospheric
17 Research; or
- 18 (L) other interested entities, including
19 members of the public.
- 20 (3) CONTENTS.—The inventory under para-
21 graph (1) shall include—
- 22 (A) the general location and geographic co-
23 ordinates of each vent, seep, or other source
24 producing significant fugitive methane emis-
25 sions;

1 (B) an estimate of the volume and con-
2 centration of fugitive methane emissions from
3 each source of significant fugitive methane
4 emissions, including details of measurements
5 taken and the basis for that emissions estimate;

6 (C) an estimate of the total volume of fugi-
7 tive methane emissions each year;

8 (D) relevant data and other information
9 available from—

10 (i) the Environmental Protection
11 Agency;

12 (ii) the Mine Safety and Health Ad-
13 ministration;

14 (iii) the Colorado Department of Nat-
15 ural Resources;

16 (iv) the Colorado Public Utility Com-
17 mission;

18 (v) the Colorado Department of
19 Health and Environment; and

20 (vi) the Office of Surface Mining Rec-
21 lamation and Enforcement; and

22 (E) such other information as may be use-
23 ful in advancing the purposes of the pilot pro-
24 gram.

25 (4) PUBLIC PARTICIPATION; DISCLOSURE.—

1 (A) PUBLIC PARTICIPATION.—The Sec-
2 retary shall provide opportunities for public
3 participation in the inventory under this sub-
4 section.

5 (B) AVAILABILITY.—The Secretary shall
6 make the inventory under this subsection pub-
7 licly available.

8 (C) DISCLOSURE.—Nothing in this sub-
9 section requires the Secretary to publicly re-
10 lease information that—

11 (i) poses a threat to public safety;

12 (ii) is confidential business informa-
13 tion; or

14 (iii) is otherwise protected from public
15 disclosure.

16 (5) USE.—The Secretary shall use the inven-
17 tory in carrying out—

18 (A) the leasing program under subsection
19 (c); and

20 (B) the capping or destruction of fugitive
21 methane emissions under subsection (d).

22 (c) FUGITIVE METHANE EMISSION LEASING PRO-
23 GRAM.—

24 (1) IN GENERAL.—Subject to valid existing
25 rights and in accordance with this section, not later

1 than 1 year after the date of completion of the in-
2 ventory required under subsection (b), the Secretary
3 shall carry out a program to encourage the use and
4 destruction of fugitive methane emissions.

5 (2) FUGITIVE METHANE EMISSIONS FROM COAL
6 MINES SUBJECT TO LEASE.—

7 (A) IN GENERAL.—The Secretary shall au-
8 thorize the holder of a valid existing Federal
9 coal lease for a mine that is producing fugitive
10 methane emissions to capture for use, or de-
11 stroy by flaring, the fugitive methane emissions.

12 (B) CONDITIONS.—The authority under
13 subparagraph (A) shall be subject to—

14 (i) valid existing rights; and

15 (ii) such terms and conditions as the
16 Secretary may require.

17 (C) LIMITATIONS.—The program carried
18 out under paragraph (1) shall only include fugi-
19 tive methane emissions that can be captured for
20 use, or destroyed by flaring, in a manner that
21 does not—

22 (i) endanger the safety of any coal
23 mine worker; or

24 (ii) unreasonably interfere with any
25 ongoing operation at a coal mine.

1 (D) COOPERATION.—

2 (i) IN GENERAL.—The Secretary shall
3 work cooperatively with the holders of valid
4 existing Federal coal leases for mines that
5 produce fugitive methane emissions to en-
6 courage—

7 (I) the capture of fugitive meth-
8 ane emissions for beneficial use, such
9 as generating electrical power, pro-
10 ducing usable heat, transporting the
11 methane to market, or transforming
12 the fugitive methane emissions into a
13 different marketable material; or

14 (II) if the beneficial use of the
15 fugitive methane emissions is not fea-
16 sible, the destruction of the fugitive
17 methane emissions by flaring.

18 (ii) GUIDANCE.—In furtherance of the
19 purposes of this paragraph, not later than
20 1 year after the date of enactment of this
21 subtitle, the Secretary shall issue guidance
22 for the implementation of Federal authori-
23 ties and programs to encourage the cap-
24 ture for use, or destruction by flaring, of
25 fugitive methane emissions, while mini-

1 mizing impacts on natural resources or
2 other public interest values.

3 (E) ROYALTIES.—The Secretary shall de-
4 termine whether any fugitive methane emissions
5 used or destroyed pursuant to this paragraph
6 are subject to the payment of a royalty under
7 applicable law.

8 (3) FUGITIVE METHANE EMISSIONS FROM
9 ABANDONED COAL MINES.—

10 (A) IN GENERAL.—Except as otherwise
11 provided in this section, notwithstanding section
12 143, subject to valid existing rights, and in ac-
13 cordance with section 21 of the Mineral Leasing
14 Act (30 U.S.C. 241) and any other applicable
15 law, the Secretary shall—

16 (i) authorize the capture for use, or
17 destruction by flaring, of fugitive methane
18 emissions from abandoned coal mines on
19 Federal land; and

20 (ii) make available for leasing such fu-
21 gitive methane emissions from abandoned
22 coal mines on Federal land as the Sec-
23 retary considers to be in the public inter-
24 est.

1 (B) SOURCE.—To the maximum extent
2 practicable, the Secretary shall offer for lease
3 each significant vent, seep, or other source of
4 fugitive methane emissions from abandoned
5 coal mines.

6 (C) BID QUALIFICATIONS.—A bid to lease
7 fugitive methane emissions under this para-
8 graph shall specify whether the prospective les-
9 see intends—

10 (i) to capture the fugitive methane
11 emissions for beneficial use, such as gener-
12 ating electrical power, producing usable
13 heat, transporting the methane to market,
14 or transforming the fugitive methane emis-
15 sions into a different marketable material;

16 (ii) to destroy the fugitive methane
17 emissions by flaring; or

18 (iii) to employ a specific combination
19 of—

20 (I) capturing the fugitive meth-
21 ane emissions for beneficial use; and

22 (II) destroying the fugitive meth-
23 ane emission by flaring.

24 (D) PRIORITY.—

1 (i) IN GENERAL.—If there is more
2 than 1 qualified bid for a lease under this
3 paragraph, the Secretary shall select the
4 bid that the Secretary determines is likely
5 to most significantly advance the public in-
6 terest.

7 (ii) CONSIDERATIONS.—In deter-
8 mining the public interest under clause (i),
9 the Secretary shall take into consider-
10 ation—

11 (I) the size of the overall de-
12 crease in the time-integrated radiative
13 forcing of the fugitive methane emis-
14 sions;

15 (II) the impacts to other natural
16 resource values, including wildlife,
17 water, and air; and

18 (III) other public interest values,
19 including scenic, economic, recreation,
20 and cultural values.

21 (E) LEASE FORM.—

22 (i) IN GENERAL.—The Secretary shall
23 develop and provide to prospective bidders
24 a lease form for leases issued under this
25 paragraph.

1 (ii) DUE DILIGENCE.—The lease form
2 developed under clause (i) shall include
3 terms and conditions requiring the leased
4 fugitive methane emissions to be put to
5 beneficial use or flared by not later than 1
6 year after the date of issuance of the lease.

7 (F) ROYALTY RATE.—The Secretary shall
8 develop a minimum bid and royalty rate for
9 leases under this paragraph to advance the pur-
10 poses of this section, to the maximum extent
11 practicable.

12 (d) SEQUESTRATION.—If, by not later than 4 years
13 after the date of enactment of this subtitle, any significant
14 fugitive methane emissions from abandoned coal mines on
15 Federal land are not leased under subsection (c)(3), the
16 Secretary shall, in accordance with applicable law, take all
17 reasonable measures—

18 (1) to cap those fugitive methane emissions at
19 the source in any case in which the cap will result
20 in the long-term sequestration of all or a significant
21 portion of the fugitive methane emissions; or

22 (2) if sequestration under paragraph (1) is not
23 feasible, destroy the fugitive methane emissions by
24 flaring.

1 (e) REPORT TO CONGRESS.—Not later than 4 years
2 after the date of enactment of this subtitle the Secretary
3 shall submit to the Committee on Energy and Natural Re-
4 sources of the Senate and the Committee on Natural Re-
5 sources of the House of Representatives a report detail-
6 ing—

7 (1) the economic and environmental impacts of
8 the pilot program, including information on in-
9 creased royalties and estimates of avoided green-
10 house gas emissions; and

11 (2) any recommendations of the Secretary on
12 whether the pilot program could be expanded geo-
13 graphically to include other significant sources of fu-
14 gitive methane emissions from coal mines.

15 **SEC. 5646. EFFECT.**

16 Except as expressly provided in this part, nothing in
17 this part—

18 (1) expands, diminishes, or impairs any valid
19 existing mineral leases, mineral interest, or other
20 property rights wholly or partially within the
21 Thompson Divide Withdrawal and Protection Area,
22 including access to the leases, interests, rights, or
23 land in accordance with applicable Federal, State,
24 and local laws (including regulations);

1 shall be established as a unit of the National Park System
2 the Curecanti National Recreation Area, in accordance
3 with this subtitle, consisting of approximately 50,667
4 acres of land in the State, as generally depicted on the
5 map as “Curecanti National Recreation Area Proposed
6 Boundary”.

7 (b) AVAILABILITY OF MAP.—The map shall be on file
8 and available for public inspection in the appropriate of-
9 fices of the National Park Service.

10 (c) ADMINISTRATION.—

11 (1) IN GENERAL.—The Secretary shall admin-
12 ister the National Recreation Area in accordance
13 with—

14 (A) this part; and

15 (B) the laws (including regulations) gen-
16 erally applicable to units of the National Park
17 System, including section 100101(a), chapter
18 1003, and sections 100751(a), 100752,
19 100753, and 102101 of title 54, United States
20 Code.

21 (2) DAM, POWER PLANT, AND RESERVOIR MAN-
22 AGEMENT AND OPERATIONS.—

23 (A) IN GENERAL.—Nothing in this part af-
24 fects or interferes with the authority of the Sec-
25 retary—

1 (i) to operate the Uncompahgre Valley
2 Reclamation Project under the reclamation
3 laws;

4 (ii) to operate the Wayne N. Aspinall
5 Unit of the Colorado River Storage Project
6 under the Act of April 11, 1956 (com-
7 monly known as the “Colorado River Stor-
8 age Project Act”) (43 U.S.C. 620 et seq.);
9 or

10 (iii) under the Federal Water Project
11 Recreation Act (16 U.S.C. 4601–12 et
12 seq.).

13 (B) RECLAMATION LAND.—

14 (i) SUBMISSION OF REQUEST TO RE-
15 TAIN ADMINISTRATIVE JURISDICTION.—If,
16 before the date that is 1 year after the
17 date of enactment of this subtitle, the
18 Commissioner of Reclamation submits to
19 the Secretary a request for the Commis-
20 sioner of Reclamation to retain administra-
21 tive jurisdiction over the minimum quan-
22 tity of land within the land identified on
23 the map as “Lands withdrawn or acquired
24 for Bureau of Reclamation projects” that
25 the Commissioner of Reclamation identifies

1 as necessary for the effective operation of
2 Bureau of Reclamation water facilities, the
3 Secretary may—

4 (I) approve, approve with modi-
5 fications, or disapprove the request;
6 and

7 (II) if the request is approved
8 under subclause (I), make any modi-
9 fications to the map that are nec-
10 essary to reflect that the Commis-
11 sioner of Reclamation retains manage-
12 ment authority over the minimum
13 quantity of land required to fulfill the
14 reclamation mission.

15 (ii) TRANSFER OF LAND.—

16 (I) IN GENERAL.—Administrative
17 jurisdiction over the land identified on
18 the map as “Lands withdrawn or ac-
19 quired for Bureau of Reclamation
20 projects”, as modified pursuant to
21 clause (i)(II), if applicable, shall be
22 transferred from the Commissioner of
23 Reclamation to the Director of the
24 National Park Service by not later

1 than the date that is 1 year after the
2 date of enactment of this subtitle.

3 (II) ACCESS TO TRANSFERRED
4 LAND.—

5 (aa) IN GENERAL.—Subject
6 to item (bb), the Commissioner
7 of Reclamation shall retain ac-
8 cess to the land transferred to
9 the Director of the National Park
10 Service under subclause (I) for
11 reclamation purposes, including
12 for the operation, maintenance,
13 and expansion or replacement of
14 facilities.

15 (bb) MEMORANDUM OF UN-
16 DERSTANDING.—The terms of
17 the access authorized under item
18 (aa) shall be determined by a
19 memorandum of understanding
20 entered into between the Com-
21 missioner of Reclamation and the
22 Director of the National Park
23 Service not later than 1 year
24 after the date of enactment of
25 this subtitle.

1 (3) MANAGEMENT AGREEMENTS.—

2 (A) IN GENERAL.—The Secretary may
3 enter into management agreements, or modify
4 management agreements in existence on the
5 date of enactment of this subtitle, relating to
6 the authority of the Director of the National
7 Park Service, the Commissioner of Reclama-
8 tion, the Director of the Bureau of Land Man-
9 agement, or the Chief of the Forest Service to
10 manage Federal land within or adjacent to the
11 boundary of the National Recreation Area.

12 (B) STATE LAND.—The Secretary may
13 enter into cooperative management agreements
14 for any land administered by the State that is
15 within or adjacent to the National Recreation
16 Area, in accordance with the cooperative man-
17 agement authority under section 101703 of title
18 54, United States Code.

19 (4) RECREATIONAL ACTIVITIES.—

20 (A) AUTHORIZATION.—Except as provided
21 in subparagraph (B), the Secretary shall allow
22 boating, boating-related activities, hunting, and
23 fishing in the National Recreation Area in ac-
24 cordance with applicable Federal and State
25 laws.

1 (B) CLOSURES; DESIGNATED ZONES.—

2 (i) IN GENERAL.—The Secretary, act-
3 ing through the Superintendent of the Na-
4 tional Recreation Area, may designate
5 zones in which, and establish periods dur-
6 ing which, no boating, hunting, or fishing
7 shall be permitted in the National Recre-
8 ation Area under subparagraph (A) for
9 reasons of public safety, administration, or
10 compliance with applicable laws.

11 (ii) CONSULTATION REQUIRED.—Ex-
12 cept in the case of an emergency, any clo-
13 sure proposed by the Secretary under
14 clause (i) shall not take effect until after
15 the date on which the Superintendent of
16 the National Recreation Area consults
17 with—

18 (I) the appropriate State agency
19 responsible for hunting and fishing
20 activities; and

21 (II) the Board of County Com-
22 missioners in each county in which
23 the zone is proposed to be designated.

24 (5) LANDOWNER ASSISTANCE.—On the written
25 request of an individual that owns private land lo-

1 cated not more than 3 miles from the boundary of
2 the National Recreation Area, the Secretary may
3 work in partnership with the individual to enhance
4 the long-term conservation of natural, cultural, rec-
5 reational, and scenic resources in and around the
6 National Recreation Area—

7 (A) by acquiring all or a portion of the pri-
8 vate land or interests in private land located
9 not more than 3 miles from the boundary of the
10 National Recreation Area by purchase, ex-
11 change, or donation, in accordance with section
12 5653;

13 (B) by providing technical assistance to the
14 individual, including cooperative assistance;

15 (C) through available grant programs; and

16 (D) by supporting conservation easement
17 opportunities.

18 (6) WITHDRAWAL.—Subject to valid rights in
19 existence on the date of enactment of this subtitle,
20 all Federal land within the National Recreation Area
21 is withdrawn from—

22 (A) entry, appropriation, and disposal
23 under the public land laws;

24 (B) location, entry, and patent under the
25 mining laws; and

1 (C) operation of the mineral leasing, min-
2 eral materials, and geothermal leasing laws.

3 (7) GRAZING.—

4 (A) STATE LAND SUBJECT TO A STATE
5 GRAZING LEASE.—

6 (i) IN GENERAL.—If State land ac-
7 quired under this part is subject to a State
8 grazing lease in effect on the date of acqui-
9 sition, the Secretary shall allow the grazing
10 to continue for the remainder of the term
11 of the lease, subject to the related terms
12 and conditions of user agreements, includ-
13 ing permitted stocking rates, grazing fee
14 levels, access rights, and ownership and
15 use of range improvements.

16 (ii) ACCESS.—A lessee of State land
17 may continue to use established routes
18 within the National Recreation Area to ac-
19 cess State land for purposes of admin-
20 istering the lease if the use was permitted
21 before the date of enactment of this sub-
22 title, subject to such terms and conditions
23 as the Secretary may require.

24 (B) STATE AND PRIVATE LAND.—The Sec-
25 retary may, in accordance with applicable laws,

1 authorize grazing on land acquired from the
2 State or private landowners under section 5653,
3 if grazing was established before the date of ac-
4 quisition.

5 (C) PRIVATE LAND.—On private land ac-
6 quired under section 5653 for the National
7 Recreation Area on which authorized grazing is
8 occurring before the date of enactment of this
9 subtitle, the Secretary, in consultation with the
10 lessee, may allow the continuation and renewal
11 of grazing on the land based on the terms of
12 acquisition or by agreement between the Sec-
13 retary and the lessee, subject to applicable law
14 (including regulations).

15 (D) FEDERAL LAND.—The Secretary
16 shall—

17 (i) allow, consistent with the grazing
18 leases, uses, and practices in effect as of
19 the date of enactment of this subtitle, the
20 continuation and renewal of grazing on
21 Federal land located within the boundary
22 of the National Recreation Area on which
23 grazing is allowed before the date of enact-
24 ment of this subtitle, unless the Secretary
25 determines that grazing on the Federal

1 land would present unacceptable impacts
2 (as defined in section 1.4.7.1 of the Na-
3 tional Park Service document entitled
4 “Management Policies 2006: The Guide to
5 Managing the National Park System”) to
6 the natural, cultural, recreational, and sce-
7 nic resource values and the character of
8 the land within the National Recreation
9 Area; and

10 (ii) retain all authorities to manage
11 grazing in the National Recreation Area.

12 (E) TERMINATION OF LEASES.—Within
13 the National Recreation Area, the Secretary
14 may—

15 (i) accept the voluntary termination of
16 a lease or permit for grazing; or

17 (ii) in the case of a lease or permit va-
18 cated for a period of 3 or more years, ter-
19 minate the lease or permit.

20 (8) WATER RIGHTS.—Nothing in this part—

21 (A) affects any use or allocation in exist-
22 ence on the date of enactment of this subtitle
23 of any water, water right, or interest in water;

24 (B) affects any vested absolute or decreed
25 conditional water right in existence on the date

1 of enactment of this subtitle, including any
2 water right held by the United States;

3 (C) affects any interstate water compact in
4 existence on the date of enactment of this sub-
5 title;

6 (D) shall be considered to be a relinquish-
7 ment or reduction of any water right reserved
8 or appropriated by the United States in the
9 State on or before the date of enactment of this
10 subtitle; or

11 (E) constitutes an express or implied Fed-
12 eral reservation of any water or water rights
13 with respect to the National Recreation Area.

14 (9) FISHING EASEMENTS.—

15 (A) IN GENERAL.—Nothing in this part di-
16 minishes or alters the fish and wildlife program
17 for the Aspinall Unit developed under section 8
18 of the Act of April 11, 1956 (commonly known
19 as the “Colorado River Storage Project Act”)
20 (70 Stat. 110, chapter 203; 43 U.S.C. 620g),
21 by the United States Fish and Wildlife Service,
22 the Bureau of Reclamation, and the Colorado
23 Division of Wildlife (including any successor in
24 interest to that division) that provides for the
25 acquisition of public access fishing easements as

1 mitigation for the Aspinall Unit (referred to in
2 this paragraph as the “program”).

3 (B) ACQUISITION OF FISHING EASE-
4 MENTS.—The Secretary shall continue to fulfill
5 the obligation of the Secretary under the pro-
6 gram to acquire 26 miles of class 1 public fish-
7 ing easements to provide to sportsmen access
8 for fishing within the Upper Gunnison Basin
9 upstream of the Aspinall Unit, subject to the
10 condition that no existing fishing access down-
11 stream of the Aspinall Unit shall be counted to-
12 ward the minimum mileage requirement under
13 the program.

14 (C) PLAN.—Not later than 1 year after
15 the date of enactment of this subtitle, the Sec-
16 retary shall develop a plan for fulfilling the obli-
17 gation of the Secretary described in subpara-
18 graph (B) by the date that is 10 years after the
19 date of enactment of this subtitle.

20 (D) REPORTS.—Not later than each of 2
21 years, 5 years, and 8 years after the date of en-
22 actment of this subtitle, the Secretary shall sub-
23 mit to Congress a report that describes the
24 progress made in fulfilling the obligation of the
25 Secretary described in subparagraph (B).

1 (d) TRIBAL RIGHTS AND USES.—

2 (1) TREATY RIGHTS.—Nothing in this part af-
3 fects the treaty rights of any Indian Tribe.

4 (2) TRADITIONAL TRIBAL USES.—Subject to
5 any terms and conditions as the Secretary deter-
6 mines to be necessary and in accordance with appli-
7 cable law, the Secretary shall allow for the continued
8 use of the National Recreation Area by members of
9 Indian Tribes—

10 (A) for traditional ceremonies; and

11 (B) as a source of traditional plants and
12 other materials.

13 **SEC. 5653. ACQUISITION OF LAND; BOUNDARY MANAGE-**
14 **MENT.**

15 (a) ACQUISITION.—

16 (1) IN GENERAL.—The Secretary may acquire
17 any land or interest in land within the boundary of
18 the National Recreation Area.

19 (2) MANNER OF ACQUISITION.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), land described in paragraph (1) may
22 be acquired under this subsection by—

23 (i) donation;

24 (ii) purchase from willing sellers with
25 donated or appropriated funds;

1 (iii) transfer from another Federal
2 agency; or

3 (iv) exchange.

4 (B) STATE LAND.—Land or interests in
5 land owned by the State or a political subdivi-
6 sion of the State may only be acquired by pur-
7 chase, donation, or exchange.

8 (b) TRANSFER OF ADMINISTRATIVE JURISDIC-
9 TION.—

10 (1) FOREST SERVICE LAND.—

11 (A) IN GENERAL.—Administrative jurisdic-
12 tion over the approximately 2,560 acres of land
13 identified on the map as “U.S. Forest Service
14 proposed transfer to the National Park Service”
15 is transferred to the Secretary, to be adminis-
16 tered by the Director of the National Park
17 Service as part of the National Recreation
18 Area.

19 (B) BOUNDARY ADJUSTMENT.—The
20 boundary of the Gunnison National Forest shall
21 be adjusted to exclude the land transferred to
22 the Secretary under subparagraph (A).

23 (2) BUREAU OF LAND MANAGEMENT LAND.—
24 Administrative jurisdiction over the approximately
25 5,040 acres of land identified on the map as “Bu-

1 reau of Land Management proposed transfer to Na-
2 tional Park Service” is transferred from the Director
3 of the Bureau of Land Management to the Director
4 of the National Park Service, to be administered as
5 part of the National Recreation Area.

6 (3) WITHDRAWAL.—Administrative jurisdiction
7 over the land identified on the map as “Proposed for
8 transfer to the Bureau of Land Management, sub-
9 ject to the revocation of Bureau of Reclamation
10 withdrawal” shall be transferred to the Director of
11 the Bureau of Land Management on relinquishment
12 of the land by the Bureau of Reclamation and rev-
13 ocation by the Bureau of Land Management of any
14 withdrawal as may be necessary.

15 (c) POTENTIAL LAND EXCHANGE.—

16 (1) IN GENERAL.—The withdrawal for reclama-
17 tion purposes of the land identified on the map as
18 “Potential exchange lands” shall be relinquished by
19 the Commissioner of Reclamation and revoked by
20 the Director of the Bureau of Land Management
21 and the land shall be transferred to the National
22 Park Service.

23 (2) EXCHANGE; INCLUSION IN NATIONAL
24 RECREATION AREA.—On transfer of the land de-
25 scribed in paragraph (1), the transferred land—

1 (A) may be exchanged by the Secretary for
2 private land described in section 152(c)(5)—

3 (i) subject to a conservation easement
4 remaining on the transferred land, to pro-
5 tect the scenic resources of the transferred
6 land; and

7 (ii) in accordance with the laws (in-
8 cluding regulations) and policies governing
9 National Park Service land exchanges; and

10 (B) if not exchanged under subparagraph
11 (A), shall be added to, and managed as a part
12 of, the National Recreation Area.

13 (d) ADDITION TO NATIONAL RECREATION AREA.—
14 Any land within the boundary of the National Recreation
15 Area that is acquired by the United States shall be added
16 to, and managed as a part of, the National Recreation
17 Area.

18 **SEC. 5654. GENERAL MANAGEMENT PLAN.**

19 Not later than 3 years after the date on which funds
20 are made available to carry out this part, the Director of
21 the National Park Service, in consultation with the Com-
22 missioner of Reclamation, shall prepare a general manage-
23 ment plan for the National Recreation Area in accordance
24 with section 100502 of title 54, United States Code.

1 **SEC. 5655. BOUNDARY SURVEY.**

2 The Secretary (acting through the Director of the
3 National Park Service) shall prepare a boundary survey
4 and legal description of the National Recreation Area.

5 **Subtitle B—Grand Canyon**
6 **Protection**

7 **SEC. 5661. WITHDRAWAL OF CERTAIN FEDERAL LAND IN**
8 **THE STATE OF ARIZONA.**

9 (a) DEFINITION OF MAP.—In this subtitle, the term
10 “Map” means the map prepared by the Bureau of Land
11 Management entitled “Grand Canyon Protection Act” and
12 dated January 22, 2021.

13 (b) WITHDRAWAL.—Subject to valid existing rights,
14 the approximately 1,006,545 acres of Federal land in the
15 State of Arizona, generally depicted on the Map as “Fed-
16 eral Mineral Estate to be Withdrawn”, including any land
17 or interest in land that is acquired by the United States
18 after the date of the enactment of this subtitle, are hereby
19 withdrawn from—

20 (1) all forms of entry, appropriation, and dis-
21 posal under the public land laws;

22 (2) location, entry, and patent under the mining
23 laws; and

24 (3) operation of the mineral leasing, mineral
25 materials, and geothermal leasing laws.

1 (c) AVAILABILITY OF MAP.—The Map shall be kept
2 on file and made available for public inspection in the ap-
3 propriate offices of the Forest Service and the Bureau of
4 Land Management.

5 **TITLE LVII—STRENGTHENING**
6 **MARINE MAMMAL CONSERVA-**
7 **TION**

8 **SEC. 5701. DEFINITION OF ADMINISTRATOR.**

9 In this title, the term “Administrator” means the
10 Secretary of Commerce, acting through the Administrator
11 of the National Oceanic and Atmospheric Administration.

12 **SEC. 5702. VESSEL SPEED RESTRICTIONS IN MARINE MAM-**
13 **MAL HABITAT.**

14 (a) IN GENERAL.—The Marine Mammal Protection
15 Act of 1974 (16 U.S.C. 1361 et seq.) is amended by in-
16 serting after section 120 the following:

17 **“SEC. 121. VESSEL RESTRICTIONS IN MARINE MAMMAL**
18 **HABITAT.**

19 “(a) IN GENERAL.—The Secretary shall, in coordina-
20 tion with the Marine Mammal Commission and the Com-
21 mandant of the Coast Guard and applying the best avail-
22 able scientific information—

23 “(1) designate areas of importance for marine
24 mammals known to experience vessel strikes and es-
25 tablish for each such area seasonal or year-round

1 mandatory vessel speed restrictions to reduce vessel
2 strikes or other vessel-related impacts, as necessary,
3 for vessels operating in such areas; and

4 “(2) implement for such species, as appropriate,
5 dynamic management area programs incorporating
6 mandatory vessel restrictions to protect marine
7 mammals from vessel strikes or other vessel-related
8 impacts occurring outside designated areas of impor-
9 tance.

10 “(b) AREAS OF IMPORTANCE.—In designating areas
11 under subsection (a), the Secretary—

12 “(1) shall consider including—

13 “(A) the important feeding, breeding,
14 calving, rearing, or migratory habitat for pri-
15 ority species of marine mammals, including all
16 areas designated as critical habitat for such
17 species under section 4 of the Endangered Spe-
18 cies Act of 1973 (16 U.S.C. 1533) except any
19 area the Secretary determines does not inter-
20 sect with areas of vessel traffic such that an
21 elevated risk of mortality or injury caused by
22 vessel strikes exists; and

23 “(B) areas of high marine mammal mor-
24 tality, injury, or harassment caused by vessel
25 strikes; and

1 “(2) may consider including—

2 “(A) any area designated as a National
3 Marine Sanctuary, Marine National Monument,
4 National Park, or National Wildlife Refuge; and

5 “(B) areas of high marine mammal pri-
6 mary productivity with year-round or seasonal
7 aggregations of marine mammals to which this
8 section applies.

9 “(c) DEADLINE FOR REGULATIONS.—Not later than
10 two years after the date of the enactment of this section,
11 the Secretary shall designate areas and vessel restrictions
12 under subsection (a) and issue such regulations as are nec-
13 essary to carry out this section, consistent with notice and
14 comment requirements under chapter 5 of title 5, United
15 States Code.

16 “(d) MODIFYING OR DESIGNATING NEW AREAS OF
17 IMPORTANCE.—

18 “(1) IN GENERAL.—The Secretary shall issue
19 regulations to modify or designate the areas of im-
20 portance and vessel restrictions under this section
21 within 180 days after the issuance of regulations to
22 establish or to modify critical habitat for marine
23 mammals pursuant to the Endangered Species Act
24 of 1973 (16 U.S.C. 1531 et seq.).

25 “(2) REEXAMINATION.—The Secretary shall—

1 “(A) reexamine the areas of importance
2 designated and vessel restrictions under this
3 section every 5 years following the initial
4 issuance of the regulations to determine if the
5 best available scientific information warrants
6 modification or designation of areas of impor-
7 tance for vessel restrictions; and

8 “(B) publish any revisions under subpara-
9 graph (A) in the Federal Register after notice
10 and opportunity for public comment within 24
11 months.

12 “(3) FINDING.—Not later than 90 days after
13 receiving the petition of an interested person under
14 section 553(e) of title 5, United States Code, to des-
15 ignate, modify, or add an area of importance or ves-
16 sel restriction under this section, the Secretary shall
17 make a finding as to whether the petition presents
18 substantial scientific information indicating that the
19 petitioned action may be warranted. The Secretary
20 shall promptly publish such finding in the Federal
21 Register for comment. Not later than one year after
22 the close of comments, the Secretary shall publish in
23 the Federal Register a finding of whether the peti-
24 tioned action is warranted and, if the Secretary de-
25 termines that the petitioned action is warranted,

1 shall publish draft regulations designating or modi-
2 fying and vessel restrictions the area of importance.
3 Not later than 12 months after publication of the
4 draft regulations, the Secretary shall issue final reg-
5 ulations designating or modifying the area of impor-
6 tance and vessel restrictions.

7 “(e) EXCEPTIONS FOR SAFE MANEUVERING AND
8 USING AUTHORIZED TECHNOLOGY.—

9 “(1) IN GENERAL.—The restriction established
10 under subsection (a) shall not apply to a vessel oper-
11 ating at a speed necessary to maintain safe maneu-
12 vering speed if such speed is justified because the
13 vessel is in an area where oceanographic, hydro-
14 graphic, or meteorological conditions severely restrict
15 the maneuverability of the vessel and the need to op-
16 erate at such speed is confirmed by the pilot on
17 board or, when a vessel is not carrying a pilot, the
18 master of the vessel. If a deviation from the applica-
19 ble speed limit is necessary pursuant to this sub-
20 section, the reasons for the deviation, the speed at
21 which the vessel is operated, the latitude and lon-
22 gitude of the area, and the time and duration of
23 such deviation shall be entered into the logbook of
24 the vessel. The master of the vessel shall attest to

1 the accuracy of the logbook entry by signing and
2 dating the entry.

3 “(2) AUTHORIZED TECHNOLOGY.—

4 “(A) IN GENERAL.—The vessel restrictions
5 established under subsection (a) shall not apply
6 to a vessel operating using technology author-
7 ized by regulations issued by the Secretary
8 under subparagraph (B).

9 “(B) REGULATIONS.—The Secretary may
10 issue regulations authorizing a vessel to operate
11 using technology specified by the Secretary
12 under this subparagraph if the Secretary deter-
13 mines that such operation is at least as effec-
14 tive as the vessel restrictions authorized by reg-
15 ulations under subsection (a) in reducing mor-
16 tality and injury to marine mammals.

17 “(f) APPLICABILITY.—Any speed restriction estab-
18 lished under subsection (a)—

19 “(1) shall apply to all vessels subject to the ju-
20 risdiction of the United States, all other vessels en-
21 tering or departing a port or place subject to the ju-
22 risdiction of the United States, and all other vessels
23 within the Exclusive Economic Zone of the United
24 States, regardless of flag; and

25 “(2) shall not apply to—

1 “(A) vessels owned, operated, or under
2 contract by the Department of Defense or the
3 Department of Homeland Security, or engaged
4 with such vessels;

5 “(B) law enforcement vessels of the Fed-
6 eral Government or of a State or political sub-
7 division thereof, when such vessels are engaged
8 in law enforcement or search and rescue duties;
9 or

10 “(C) vessels with foreign sovereign immu-
11 nity, as reflected under international law.

12 “(g) STATUTORY CONSTRUCTION.—

13 “(1) IN GENERAL.—Nothing in this section
14 shall be interpreted or implemented in a manner
15 that—

16 “(A) subject to paragraph (2), preempts or
17 modifies any obligation of any person subject to
18 the provisions of this title to act in accordance
19 with applicable State laws, except to the extent
20 that those laws are inconsistent with any provi-
21 sion of this title, and then only to the extent of
22 the inconsistency;

23 “(B) affects or modifies any obligation
24 under Federal law; or

1 “(C) preempts or supersedes the final rule
2 titled ‘To Implement Speed Restrictions to Re-
3 duce the Threat of Ship Collisions With North
4 Atlantic Right Whales’, codified at section
5 224.105 of title 50, Code of Federal Regula-
6 tions, except for actions that are more protec-
7 tive than the Final Rule and further reduce the
8 risk of take to North Atlantic right whales.

9 “(2) INCONSISTENCIES.—The Secretary may
10 determine whether inconsistencies referred to in
11 paragraph (1)(A) exist, but may not determine that
12 any State law is inconsistent with any provision of
13 this title if the Secretary determines that such law
14 gives greater protection to covered marine species
15 and their habitat.

16 “(h) PRIORITY SPECIES.—For the purposes of this
17 section, the term ‘priority species’ means, at a minimum,
18 all Mysticeti species and species within the genera
19 Physeter and Trichechus.

20 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated—

22 “(1) to the Secretary to carry out this section,
23 \$3,000,000 for each of fiscal years 2022 through
24 2026; and

1 “(2) to the Commandant of the Coast Guard to
2 carry out this section, \$3,000,000 for each of fiscal
3 years 2024 through 2026.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in the first section of such Act is further amended by in-
6 serting after the item relating to section 120 the following:

“Sec. 121. Vessel speed restrictions in marine mammal habitat.”.

7 **SEC. 5703. MONITORING OCEAN SOUNDSCAPES.**

8 (a) IN GENERAL.—The Administrator, and the Di-
9 rector of the Fish and Wildlife Service shall maintain and
10 expand an Ocean Noise Reference Station Network, uti-
11 lizing and coordinating with the Integrated Ocean Observ-
12 ing System, the Office of National Marine Sanctuaries,
13 and the Department of Defense, to—

14 (1) provide grants to expand the deployment of
15 Federal and non-Federal observing and data man-
16 agement systems capable of collecting measurements
17 of underwater sound in high-priority ocean and
18 coastal locations for purposes of monitoring and
19 analyzing baselines and trends in the underwater
20 soundscape to protect and manage marine life;

21 (2) continue to develop and apply standardized
22 forms of measurements to assess sounds produced
23 by marine animals, physical processes, and anthro-
24 pogenic activities; and

1 (3) after coordinating with the Department of
2 Defense, coordinate and make accessible to the pub-
3 lic the datasets, modeling and analysis, and user-
4 driven products and tools, resulting from observa-
5 tions of underwater sound funded through grants
6 authorized by this section.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Administrator, to
9 support integrated ocean observations activities carried
10 out under this section, \$1,500,000 for each of fiscal years
11 2022 through 2026.

12 **SEC. 5704. GRANTS FOR SEAPORTS TO ESTABLISH PRO-**
13 **GRAMS TO REDUCE THE IMPACTS OF VESSEL**
14 **TRAFFIC AND PORT OPERATIONS ON MARINE**
15 **MAMMALS.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Administrator and
18 the Director of the Fish and Wildlife Service, in coordina-
19 tion with the Secretary of Defense, shall establish a grant
20 program to provide assistance to up to ten seaports to de-
21 velop and implement mitigation measures that will lead
22 to a quantifiable reduction in threats to marine mammals
23 from shipping activities and port operations.

24 (b) ELIGIBLE USES.—A grant under this section may
25 be used to develop, assess, and carry out activities that

1 quantifiably reduce threats and enhance the habitats of
2 marine mammals by—

3 (1) reducing underwater stressors related to
4 marine traffic;

5 (2) reducing vessel strike mortality and other
6 physical disturbances;

7 (3) enhancing marine mammal habitat, includ-
8 ing the habitat for prey of marine mammals; or

9 (4) monitoring sound, vessel interactions with
10 marine mammals, or other types of monitoring that
11 are consistent with reducing the threats to and en-
12 hancing the habitats of marine mammals.

13 (c) PRIORITY.—The Administrator and the Director
14 of the Fish and Wildlife Service shall prioritize assistance
15 under this section for projects that—

16 (1) assist ports with higher relative threat levels
17 to vulnerable marine mammals from vessel traffic;

18 (2) reduce disturbance from vessel presence or
19 mortality risk from vessel strikes, and are in close
20 proximity to National Marine Sanctuaries, Marine
21 National Monuments, National Parks, National
22 Wildlife Refuges, and other federal, state, and local
23 marine protected areas; and

24 (3) allow eligible entities to conduct risk assess-
25 ments, and track progress toward threat reduction

1 and habitat enhancement; including protecting coral
2 reefs from encroachment by commerce and shipping
3 lanes.

4 (d) OUTREACH.—The Administrator and the Direc-
5 tor of the Fish and Wildlife Service shall conduct outreach
6 to seaports to provide information on how to apply for as-
7 sistance under this section, the benefits of the program
8 under this section, and facilitation of best practices and
9 lessons learned.

10 (e) ELIGIBLE ENTITIES.—A person shall be eligible
11 for assistance under this section if the person—

12 (1) is—

13 (A) a port authority for a seaport;

14 (B) a State, regional, local, or Tribal agen-
15 cy that has jurisdiction over a maritime port
16 authority or a seaport; or

17 (C) a private entity or government entity,
18 applying for a grant awarded under this section
19 in collaboration with another entity described in
20 subparagraph (A) or (B), that owns or operates
21 a maritime terminal; and

22 (2) is cleared by the Department of Defense.

23 (f) REPORT.—The Administrator and the Director of
24 the Fish and Wildlife Service shall submit annually to the
25 Committee on Natural Resources of the House of Rep-

1 representatives, and the Committee on Commerce, Science,
2 and Transportation of the Senate, a report that includes
3 the following:

4 (1) The name and location of each entity receiv-
5 ing a grant.

6 (2) Amount of each grant.

7 (3) The name and location of the seaport in
8 which the activities took place.

9 (4) A description of the activities carried out
10 with the grant funds.

11 (5) An estimate of the impact of the project to
12 reduce threats or enhance habitat of marine mam-
13 mals.

14 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Administrator, for
16 carrying out this section, \$5,000,000 for each of fiscal
17 years 2022 through 2026, to remain available until ex-
18 pended.

19 **SEC. 5705. NEAR REAL-TIME MONITORING AND MITIGATION**
20 **PROGRAM FOR LARGE WHALES.**

21 (a) ESTABLISHMENT OF THE PROGRAM.—The Ad-
22 ministrator, in coordination with the Secretary of Defense
23 and the heads of other relevant Federal departments and
24 agencies, shall design and deploy a Near Real-Time Large
25 Whale Monitoring and Mitigation Program in order to

1 curtail the risk to large whales of vessel collisions, entan-
2 glement in commercial fishing gear, and to minimize other
3 impacts, including but not limited to underwater noise
4 from development activities. Such program shall be capa-
5 ble of detecting and alerting ocean users and enforcement
6 agencies of the location of large whales on a near real-
7 time basis, informing sector-specific mitigation protocols
8 that can effectively reduce take of large whales, and con-
9 tinually integrating improved technology. The program
10 shall be informed by the technologies, monitoring methods,
11 and mitigation protocols developed pursuant to the pilot
12 program required in subsection (b).

13 (b) PILOT PROJECT.—In carrying out subsection (a),
14 the Administrator shall first establish a pilot monitoring
15 and mitigation project for North Atlantic right whales for
16 the purposes of informing a cost-effective, efficient and re-
17 sults-oriented near real-time monitoring and mitigation
18 program for large whales.

19 (1) PILOT PROJECT REQUIREMENTS.—In de-
20 signing and deploying the monitoring system, the
21 Administrator, in coordination with the heads of
22 other relevant Federal departments and agencies,
23 shall, using best available scientific information,
24 identify and ensure coverage of—

1 (A) core foraging habitats of North Atlan-
2 tic right whales, including but not limited to—

3 (i) the “South of the Islands” core
4 foraging habitat;

5 (ii) the “Cape Cod Bay Area” core
6 foraging habitat;

7 (iii) the “Great South Channel” core
8 foraging habitat; and

9 (iv) the Gulf of Maine; and

10 (B) important feeding, breeding, calving,
11 rearing, or migratory habitats of North Atlantic
12 right whales that co-occur with areas of high
13 risk of mortality, injury, or harassment of such
14 whales from vessel strikes, disturbance from de-
15 velopment activities, and entanglement in com-
16 mercial fishing gear.

17 (2) PILOT PROJECT MONITORING COMPO-
18 NENTS.—

19 (A) IN GENERAL.—Within 3 years after
20 the date of the enactment of this Act, the Ad-
21 ministrator, in consultation with relevant Fed-
22 eral agencies, Tribal governments, and with
23 input from affected stakeholders, shall design
24 and deploy a real-time monitoring system for
25 North Atlantic right whales that includes near

1 real-time monitoring methods, technologies, and
2 protocols that—

3 (i) comprise sufficient detection
4 power, spatial coverage and survey effort
5 to detect and localize North Atlantic right
6 whales within core foraging habitats;

7 (ii) are capable of detecting North At-
8 lantic right whales visually, including dur-
9 ing periods of poor visibility and darkness,
10 and acoustically;

11 (iii) take advantage of dynamic habi-
12 tat suitability models that help to discern
13 the likelihood of North Atlantic right whale
14 occurrence in core foraging habitat at any
15 given time;

16 (iv) coordinate with the Integrated
17 Ocean Observing System to leverage moni-
18 toring assets;

19 (v) integrate new near real-time moni-
20 toring methods and technologies as they
21 become available;

22 (vi) accurately verify and rapidly com-
23 municate detection data; and

24 (vii) allow for ocean users to con-
25 tribute data that is verified to be collected

1 using comparable near real-time moni-
2 toring methods and technologies.

3 (B) NATIONAL SECURITY CONSIDER-
4 ATIONS.—All monitoring methods, technologies,
5 and protocols under subparagraph (A) shall be
6 consistent with national security considerations
7 and interests.

8 (3) PILOT PROGRAM MITIGATION PROTOCOLS.—
9 The Secretary shall, in consultation with the Sec-
10 retary of Homeland Security, Secretary of Defense,
11 Secretary of Transportation, and Secretary of the
12 Interior, and with input from affected stakeholders,
13 develop and deploy mitigation protocols that make
14 use of the near real-time monitoring system to direct
15 sector-specific mitigation measures that avoid and
16 significantly reduce risk of injury and mortality to
17 North Atlantic right whales.

18 (4) PILOT PROGRAM ACCESS TO DATA.—The
19 Administrator shall provide access to data generated
20 by the monitoring system for purposes of scientific
21 research and evaluation, and public awareness and
22 education, through the NOAA Right Whale Sighting
23 Advisory System and WhaleMap or other successive
24 public web portals, subject to review for national se-
25 curity considerations.

1 (5) PILOT PROGRAM REPORTING.—

2 (A) INTERIM REPORT.—Not later than two
3 years after the date of the enactment of this
4 Act, the Administrator shall submit to the Com-
5 mittee on Natural Resources of the House of
6 Representatives, and the Committee on Com-
7 merce, Science and Transportation of the Sen-
8 ate, and make available to the public, an in-
9 terim report that assesses the benefits and effi-
10 cacy of the North Atlantic right whale near
11 real-time monitoring and mitigation pilot pro-
12 gram. The report shall include—

13 (i) a description of the monitoring
14 methods and technology in use or planned
15 for deployment;

16 (ii) analyses of the efficacy of the
17 methods and technology in use or planned
18 for deployment in detecting North Atlantic
19 right whales both individually and in com-
20 bination;

21 (iii) how the monitoring system is di-
22 rectly informing and improving species
23 management and mitigation in near real-
24 time across ocean sectors whose activities
25 pose a risk to North Atlantic right whales;

1 (iv) a prioritized identification of gaps
2 in technology or methods requiring future
3 research and development.

4 (B) FINAL REPORT.—Not later than three
5 years after the date of the enactment of this
6 Act, the Administrator, in coordination with the
7 Secretary of Defense and the heads of other rel-
8 evant Federal departments and agencies, shall
9 submit to the Committee on Natural Resources
10 of the House of Representatives, and the Com-
11 mittee on Commerce, Science and Transpor-
12 tation of the Senate, and make available to the
13 public, a final report, addressing the compo-
14 nents in subparagraph (A) for the subsequent
15 one year following the publication of the interim
16 report, and including the following—

17 (i) a strategic plan to expand the pilot
18 program to provide near real-time moni-
19 toring and mitigation measures to addi-
20 tional large whale species, including a
21 prioritized plan for acquisition, deploy-
22 ment, and maintenance of monitoring tech-
23 nologies, and the locations or species for
24 which the plan would apply; and

1 (ii) a budget and description of appro-
2 priations necessary to carry out the stra-
3 tegic plan pursuant to the requirements of
4 clause (i).

5 (c) **ADDITIONAL AUTHORITY.**—In carrying out this
6 section, including, the Administrator may enter into and
7 perform such contracts, leases, grants, or cooperative
8 agreements as may be necessary to carry out the purposes
9 of this section on such terms as the Administrator con-
10 siderers appropriate, consistent with Federal acquisition
11 regulations.

12 (d) **REPORTING.**—Not later than one year after the
13 deployment of the program described in subsection (b)
14 (and after completion of the reporting requirements pur-
15 suant to paragraph (5) of such subsection), and annually
16 thereafter through 2029, the Administrator shall submit
17 to the Committee on Natural Resources of the House of
18 Representatives, and the Committee on Commerce,
19 Science and Transportation of the Senate, and make avail-
20 able to the public, a report that assess the benefits and
21 efficacy of the near real-time monitoring and mitigation
22 program.

23 (e) **DEFINITIONS.**—In this section:

24 (1) The term “core foraging habitats” means
25 areas with biological and physical oceanographic fea-

1 tures that aggregate *Calanus finmarchicus* and
2 where North Atlantic right whales foraging aggrega-
3 tions have been well documented.

4 (2) The term “near real-time” means that vis-
5 ual, acoustic, or other detections of North Atlantic
6 right whales are transmitted and reported as soon as
7 technically feasible, and no longer than 24 hours,
8 after they have occurred.

9 (3) The term “large whale” means all Mysticeti
10 species and species within the genera *Physeter* and
11 *Orcinus*.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Administrator, to
14 support development, deployment, application and ongoing
15 maintenance of the monitoring system as required by this
16 section, \$5,000,000 for each of fiscal years 2022 through
17 2026.

18 **SEC. 5706. GRANTS TO SUPPORT TECHNOLOGY THAT RE-**
19 **DUCES UNDERWATER NOISE FROM VESSELS.**

20 (a) IN GENERAL.—Not later than six months after
21 the date of the enactment of this Act, the Administrator
22 of the Maritime Administration shall establish a grant
23 program, to be administered in consultation with the
24 heads of other appropriate Federal departments and agen-
25 cies, to provide assistance for the development and imple-

1 mentation of new or improved technologies that quantifi-
2 ably reduce underwater noise from marine vessels.

3 (b) ELIGIBLE USES.—Grants provided under this
4 section may be used to develop, assess and implement new
5 or improved technologies that materially reduce under-
6 water noise from marine vessels.

7 (c) OUTREACH.—The Administrator of the Maritime
8 Administration shall conduct outreach to eligible persons
9 to provide information on how to apply for assistance
10 under this section, the benefits of the program under this
11 section, and facilitation of best practices and lessons
12 learned.

13 (d) ELIGIBLE ENTITIES.—A person shall be eligible
14 for assistance under this section if the person—

15 (1) is—

16 (A) a corporation established under the
17 laws of the United States;

18 (B) an individual, partnership, association,
19 organization or any other combination of indi-
20 viduals, provided, however, that each such indi-
21 vidual shall be a citizen of the United States or
22 lawful permanent resident of the United States
23 or a protected individual as such term is de-
24 fined in section 274B(a)(3) of the Immigration
25 and Nationality Act (9 U.S.C. 1324b(a)(3)); or

1 (C) an academic or research organization;
2 and
3 (2) is cleared through the Department of De-
4 fense.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Administrator of the
7 Maritime Administration for carrying out this section,
8 \$5,000,000 for each of fiscal years 2022 through 2026,
9 to remain available until expended.

10 **SEC. 5707. TECHNOLOGY ASSESSMENT FOR QUIETING**
11 **UNITED STATES GOVERNMENT VESSELS.**

12 (a) IN GENERAL.—Not later than 18 months after
13 the date of the enactment of this Act, the Administrator
14 of the United States Maritime Administration, in con-
15 sultation with the Commandant of the Coast Guard, the
16 Secretary of Defense, the Secretary of Homeland Security,
17 and the Administrator of the National Oceanic and At-
18 mospheric Administration, shall submit to the appropriate
19 committees of Congress and publish, a report that in-
20 cludes—

21 (1) an identification of existing unclassified
22 technologies that reduce underwater noise; and

23 (2) an evaluation of the effectiveness and feasi-
24 bility of incorporating such technologies in the de-

1 sign, procurement, and construction of non-military
2 vessels of the United States Government.

3 (b) APPROPRIATE COMMITTEES OF CONGRESS.—In
4 this section, the term “appropriate committees of Con-
5 gress” means—

6 (1) the Committee on Armed Services, the
7 Committee on Commerce, Science, and Transpor-
8 tation, the Committee on Environment and Public
9 Works, and the Committee on Homeland Security
10 and Governmental Affairs of the Senate; and

11 (2) the Committee on Armed Services, the
12 Committee on Energy and Commerce, the Com-
13 mittee on Homeland Security, the Committee on
14 Natural Resources; and the Committee on Transpor-
15 tation and Infrastructure of the House of Represent-
16 atives.

1 **TITLE LVIII—ALCEE L. HAS-**
2 **TINGS LEADERSHIP INSTI-**
3 **TUTE FOR INCLUSIVE TRANS-**
4 **ATLANTIC ENGAGEMENT**

5 **SEC. 5801. ESTABLISHMENT OF ALCEE L. HASTINGS LEAD-**
6 **ERSHIP INSTITUTE FOR INCLUSIVE TRANS-**
7 **ATLANTIC ENGAGEMENT AS PILOT PRO-**
8 **GRAM.**

9 (a) ESTABLISHMENT.—There is established as a pilot
10 program in the Library of Congress the Alcee L. Hastings
11 Leadership Institute for Inclusive Transatlantic Engage-
12 ment.

13 (b) ADVISORY BOARD.—The Institute shall be sub-
14 ject to the supervision and direction of an Advisory Board
15 which shall be composed of seven members as follows:

16 (1) Two members appointed by the Speaker of
17 the House of Representatives from among the mem-
18 bers of the House of Representatives, one of whom
19 shall be designated by the majority leader of the
20 House of Representatives and one of whom shall be
21 designated by the minority leader of the House of
22 Representatives.

23 (2) Two members appointed by the President
24 pro tempore of the Senate from among the members
25 of the Senate, one of whom shall be designated by

1 the majority leader of the Senate and one of whom
2 shall be designated by the minority leader of the
3 Senate.

4 (3) Two members appointed by the President,
5 one of whom shall be an officer or employee of the
6 Department of State and one of whom shall be an
7 officer or employee of the Department of the Treas-
8 ury.

9 (4) The Executive Director of the Institute,
10 who shall serve as an ex officio member of the
11 Board.

12 (c) TERM.—Each member of the Board appointed
13 under this section shall serve for a term of three years.
14 Any vacancy shall be filled in the same manner as the
15 original appointment and the individual so appointed shall
16 serve for the remainder of the term. A Member of Con-
17 gress appointed to the Board may not consecutively serve
18 as a member of the Board for more than a total of six
19 years.

20 (d) CHAIR AND VICE-CHAIR.—At the first meeting
21 and at its first regular meeting in each calendar year
22 thereafter the Board shall elect a Chair and Vice-Chair
23 from among the members of the Board. The Chair and
24 Vice-Chair may not be members of the same political
25 party.

1 (e) PAY NOT AUTHORIZED; EXPENSES.—Members of
2 the Board (other than the Executive Director) shall serve
3 without pay, but shall be entitled to reimbursement for
4 travel, subsistence, and other necessary expenses incurred
5 in the performance of their duties.

6 (f) LOCATION OF INSTITUTE.—The Institute shall be
7 located in Washington, DC.

8 **SEC. 5802. PURPOSES AND AUTHORITY OF ALCEE L. HAS-**
9 **TINGS LEADERSHIP INSTITUTE FOR INCLU-**
10 **SIVE TRANSATLANTIC ENGAGEMENT.**

11 (a) PURPOSES.—The purposes of the Institute shall
12 be to develop a diverse community of transatlantic leaders,
13 including emerging leaders, committed to democratic insti-
14 tutions, processes, and values by—

15 (1) providing training and professional develop-
16 ment opportunities for racially and ethnically diverse
17 leaders on democratic governance and international
18 affairs;

19 (2) enabling international exchanges between
20 leaders to increase understanding and knowledge of
21 democratic models of governance; and

22 (3) increasing awareness of the importance of
23 international public service careers in racially and
24 ethnically diverse communities.

1 (b) AUTHORITY.—The Institute is authorized, con-
2 sistent with this title, to develop such programs, activities,
3 and services as it considers appropriate to carry out the
4 purposes described in subsection (a).

5 **SEC. 5803. ADMINISTRATIVE PROVISIONS.**

6 (a) EXECUTIVE DIRECTOR.—The Board shall ap-
7 point an Executive Director who shall be the chief execu-
8 tive officer and principal executive of the Institute and
9 who shall supervise the affairs of, assist the directions of,
10 and carry out the functions of the Board to administer
11 the Institute. The Executive Director of the Institute shall
12 be compensated at an annual rate specified by the Board.

13 (b) OTHER DUTIES.—The Executive Director, in
14 consultation with the Board shall appoint and fix the com-
15 pensation of such personnel as may be necessary to carry
16 out this title.

17 (c) INSTITUTE PERSONNEL.—

18 (1) STAFF APPOINTMENTS.—All staff appoint-
19 ments shall be made without regard to the provi-
20 sions of title 5, United States Code, governing ap-
21 pointments in the competitive service, and without
22 regard to the provisions of chapter 51 and sub-
23 chapter III of chapter 53 of such title relating to
24 classification and general schedule pay rates.

1 (2) TREATMENT AS CONGRESSIONAL EMPLOY-
2 EES.—For purposes of pay and other employment
3 benefits, rights, and privileges and for all other pur-
4 poses, any employee of the Institute shall be consid-
5 ered to be a Congressional employee under section
6 2107 of title 5, United States Code.

7 (3) COVERAGE UNDER CONGRESSIONAL AC-
8 COUNTABILITY ACT OF 1995.—

9 (A) TREATMENT OF EMPLOYEES AS COV-
10 ERED EMPLOYEES.—Section 101(3) of the Con-
11 gressional Accountability Act of 1995 (2 U.S.C.
12 1301(3)) is amended—

13 (i) by striking “or” at the end of sub-
14 paragraph (J);

15 (ii) by striking the period at the end
16 of subparagraph (K) and inserting “; or”;
17 and

18 (iii) by adding at the end the fol-
19 lowing new subparagraph:

20 “(L) the Alcee L. Hastings Leadership In-
21 stitute for Inclusive Transatlantic Engage-
22 ment.”.

23 (B) TREATMENT OF INSTITUTE AS EM-
24 PLOYING OFFICE.—Section 101(9)(D) of such
25 Act (2 U.S.C. 1301(9)(D)) is amended by strik-

1 ing “and the John C. Stennis Center” and in-
2 serting “the Alcee L. Hastings Leadership In-
3 stitute for Inclusive Transatlantic Engagement,
4 and the John C. Stennis Center”.

5 **SEC. 5804. ADMINISTRATIVE PROVISIONS.**

6 In order to carry out this title, the Institute may
7 carry out any of the following:

8 (1) Prescribe such regulations as it considers
9 necessary for governing the manner in which its
10 functions shall be carried out.

11 (2) Procure temporary and intermittent services
12 of experts and consultants as are necessary to the
13 extent authorized by section 3109 of title 5, United
14 States Code.

15 (3) Request and utilize the assignment of any
16 Federal officer or employee from a department,
17 agency, or Congressional office to the Institute, in-
18 cluding on a rotating basis, by entering into an
19 agreement for such assignment.

20 (4) Enter into contracts, grants, or other ar-
21 rangements, or modifications thereof, to carry out
22 the provisions of this title, including with any office
23 of the Federal Government or of any State or any
24 subdivision thereof.

1 (5) Make expenditures for any expenses in con-
2 nection with official training sessions or other au-
3 thorized programs or activities of the Institute.

4 (6) Apply for, receive, and use for the purposes
5 of the Institute grants or other assistance from Fed-
6 eral sources.

7 (7) Establish, receive, and use for the purposes
8 of the Institute fees or other charges for goods or
9 services provided in fulfilling the Institute's pur-
10 poses.

11 (8) Respond to the request of offices of Con-
12 gress and other departments or agencies of the Fed-
13 eral Government to examine, study, or report on any
14 issue within the Institute's competence, including the
15 use of classified materials if necessary.

16 (9) Work with the appropriate security offices
17 of the House of Representatives and Senate to ob-
18 tain or retain need-based security clearances for In-
19 stitute personnel.

20 (10) Assign Institute personnel to temporary
21 duty with offices of the Federal Government, inter-
22 national organizations, agencies and other entities to
23 fulfill this title.

24 (11) Make other necessary expenditures.

1 **SEC. 5805. DEFINITIONS.**

2 In this title:

3 (1) The term “Institute” means the “Alcee L.
4 Hastings Leadership Institute for Inclusive Trans-
5 atlantic Engagement” established as a pilot program
6 under section 5801.

7 (2) The term “Board” means the Advisory
8 Board of the Institute.

9 **SEC. 5806. AUTHORIZATION OF APPROPRIATIONS; DIS-**
10 **BURSEMENTS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated for fiscal year 2022 and each of the 4
14 succeeding fiscal years such sums as may be nec-
15 essary to carry out this title.

16 (2) AVAILABILITY.—Amounts authorized to be
17 appropriated under paragraph (1) are authorized to
18 remain available until expended.

19 (b) DISBURSEMENTS.—Amounts made available to
20 the Institute shall be disbursed on vouchers approved by
21 the Chair and Vice-Chair of the Board or by a majority
22 vote of the Board.

23 (c) USE OF FOREIGN CURRENCIES.—For purposes of
24 section 502(b) of the Mutual Security Act of 1954 (22
25 U.S.C. 1754(b)), the Institute shall be deemed to be a

1 standing committee of the Congress and shall be entitled
2 to use funds in accordance with such section.

3 (d) FOREIGN TRAVEL.—Foreign travel for official
4 purposes by Members of the Institute who are Members
5 of Congress and Institute staff may be authorized by the
6 Chair, Vice-Chair, or Executive Director of the Institute.

7 (e) EFFECTIVE DATE.—This section shall take effect
8 on the date of enactment of this Act.

9 **TITLE LIX—FEDERAL CYBERSE-**
10 **CURITY WORKFORCE EXPAN-**
11 **SION**

12 **SEC. 5901. FINDINGS.**

13 Congress finds that—

14 (1) the need for qualified cybersecurity per-
15 sonnel is greater than ever, as demonstrated by the
16 recent SolarWinds breach and the growing spate of
17 ransomware attacks on critical infrastructure enti-
18 ties and State and local governments;

19 (2) the Federal Government is facing a short-
20 age of qualified cybersecurity personnel, as noted in
21 a March 2019 Government Accountability Office re-
22 port on critical staffing needs in the Federal cyber-
23 security workforce;

24 (3) there is a national shortage of qualified cy-
25 bersecurity personnel, and according to CyberSeek, a

1 project supported by the National Initiative for Cy-
2 bersecurity Education within the National Institute
3 of Standards and Technology, there are approxi-
4 mately 500,000 cybersecurity job openings around
5 the United States;

6 (4) in May 2021, the Department of Homeland
7 Security announced that the Department was initi-
8 ating a 60 day sprint to hire 200 cybersecurity per-
9 sonnel across the Department, with 100 of those
10 hires for the Cybersecurity and Infrastructure Secu-
11 rity Agency, to address a cybersecurity workforce
12 shortage; and

13 (5) the Federal Government needs to—

14 (A) expand the cybersecurity workforce
15 pipeline of the Federal Government to
16 sustainably close a Federal cybersecurity work-
17 force shortage; and

18 (B) work cooperatively with the private
19 sector and State and local government authori-
20 ties to expand opportunities for new cybersecu-
21 rity professionals.

1 **SEC. 5902. CYBERSECURITY AND INFRASTRUCTURE SECUR-**
2 **RITY APPRENTICESHIP PROGRAM.**

3 Subtitle A of title XXII of the Homeland Security
4 Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 2202A. APPRENTICESHIP PROGRAM.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) AREA CAREER AND TECHNICAL EDU-
9 CATION SCHOOL.—The term ‘area career and tech-
10 nical education school’ has the meaning given the
11 term in section 3 of the Carl D. Perkins Career and
12 Technical Education Act of 2006 (20 U.S.C. 2302).

13 “(2) COMMUNITY COLLEGE.—The term ‘com-
14 munity college’ means a public institution of higher
15 education at which the highest degree that is pre-
16 dominantly awarded to students is an associate’s de-
17 gree, including—

18 “(A) a 2-year Tribal College or and Uni-
19 versity, as defined in section 316 of the Higher
20 Education Act of 1965 (20 U.S.C. 1059c); and

21 “(B) a public 2-year State institution of
22 higher education.

23 “(3) CYBERSECURITY WORK ROLES.—The term
24 ‘cybersecurity work roles’ means the work roles out-
25 lined in the National Initiative for Cybersecurity
26 Education Cybersecurity Workforce Framework

1 (NIST Special Publication 800–181), or any suc-
2 cessor framework.

3 “(4) EDUCATION AND TRAINING PROVIDER.—

4 The term ‘education and training provider’ means—

5 “(A) an area career and technical edu-
6 cation school;

7 “(B) an early college high school;

8 “(C) an educational service agency;

9 “(D) a high school;

10 “(E) a local educational agency or State
11 educational agency;

12 “(F) a Tribal educational agency, Tribally
13 controlled college or university, or Tribally con-
14 trolled postsecondary career and technical insti-
15 tution;

16 “(G) a postsecondary educational institu-
17 tion;

18 “(H) a minority-serving institution;

19 “(I) a provider of adult education and lit-
20 eracy activities under the Adult Education and
21 Family Literacy Act (29 U.S.C. 3271 et seq.);

22 “(J) a local agency administering plans
23 under title I of the Rehabilitation Act of 1973
24 (29 U.S.C. 720 et seq.), other than section 112
25 or part C of that title (29 U.S.C. 732, 741);

1 “(K) a related instruction provider, includ-
2 ing a qualified intermediary acting as a related
3 instruction provider as approved by a registra-
4 tion agency;

5 “(L) a Job Corps center, as defined in sec-
6 tion 142 of the Workforce Innovation and Op-
7 portunity Act (29 U.S.C. 3192); or

8 “(M) a consortium of entities described in
9 any of subparagraphs (A) through (L).

10 “(5) ELIGIBLE ENTITY.—

11 “(A) IN GENERAL.—The term ‘eligible en-
12 tity’ means—

13 “(i) a program sponsor;

14 “(ii) a State workforce development
15 board or State workforce agency, or a local
16 workforce development board or local
17 workforce development agency;

18 “(iii) an education and training pro-
19 vider;

20 “(iv) if the applicant is in a State
21 with a State apprenticeship agency, such
22 State apprenticeship agency;

23 “(v) an Indian Tribe or Tribal organi-
24 zation;

1 “(vi) an industry or sector partner-
2 ship, a group of employers, a trade asso-
3 ciation, or a professional association that
4 sponsors or participates in a program
5 under the national apprenticeship system;

6 “(vii) a Governor of a State;

7 “(viii) a labor organization or joint
8 labor-management organization; or

9 “(ix) a qualified intermediary.

10 “(B) SPONSOR REQUIREMENT.—Not fewer
11 than 1 entity described in subparagraph (A)
12 shall be the sponsor of a program under the na-
13 tional apprenticeship system.

14 “(6) INSTITUTION OF HIGHER EDUCATION.—
15 The term ‘institution of higher education’ has the
16 meaning given the term in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001).

18 “(7) LOCAL EDUCATIONAL AGENCY; SEC-
19 ONDARY SCHOOL.—The terms ‘local educational
20 agency’ and ‘secondary school’ have the meanings
21 given those terms in section 8101 of the Elementary
22 and Secondary Education Act of 1965 (20 U.S.C.
23 7801).

24 “(8) LOCAL WORKFORCE DEVELOPMENT
25 BOARD.—The term ‘local workforce development

1 board' has the meaning given the term 'local board'
2 in section 3 of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3102).

4 “(9) NONPROFIT ORGANIZATION.—The term
5 ‘nonprofit organization’ means an organization that
6 is described in section 501(c) of the Internal Rev-
7 enue Code of 1986 and exempt from taxation under
8 section 501(a) of such Code.

9 “(10) PROVIDER OF ADULT EDUCATION.—The
10 term ‘provider of adult education’ has the meaning
11 given the term ‘eligible provider’ in section 203 of
12 the Adult Education and Family Literacy Act (29
13 U.S.C. 3272).

14 “(11) RELATED INSTRUCTION.—The term ‘re-
15 lated instruction’ means an organized and system-
16 atic form of instruction designed to provide an indi-
17 vidual in an apprenticeship program with the knowl-
18 edge of the technical subjects related to the intended
19 occupation of the individual after completion of the
20 program.

21 “(12) SPONSOR.—The term ‘sponsor’ means
22 any person, association, committee, or organization
23 operating an apprenticeship program and in whose
24 name the program is, or is to be, registered or ap-
25 proved.

1 “(13) STATE APPRENTICESHIP AGENCY.—The
2 term ‘State apprenticeship agency’ has the meaning
3 given the term in section 29.2 of title 29, Code of
4 Federal Regulations, or any corresponding similar
5 regulation or ruling.

6 “(14) STATE WORKFORCE DEVELOPMENT
7 BOARD.—The term ‘State workforce development
8 board’ has the meaning given the term ‘State board’
9 in section 3 of the Workforce Innovation and Oppor-
10 tunity Act (29 U.S.C. 3102).

11 “(15) WIOA TERMS.—The terms ‘career plan-
12 ning’, ‘community-based organization’, ‘economic de-
13 velopment agency’, ‘industry or sector partnership’,
14 ‘on-the-job training’, ‘recognized postsecondary cre-
15 dential’, and ‘workplace learning advisor’ have the
16 meanings given those terms in section 3 of the
17 Workforce Innovation and Opportunity Act (29
18 U.S.C. 3102).

19 “(16) QUALIFIED INTERMEDIARY.—

20 “(A) IN GENERAL.—The term ‘qualified
21 intermediary’ means an entity that dem-
22 onstrates expertise in building, connecting, sus-
23 taining, and measuring the performance of
24 partnerships described in subparagraph (B) and

1 serves program participants and employers
2 by—

3 “(i) connecting employers to programs
4 under the national apprenticeship system;

5 “(ii) assisting in the design and imple-
6 mentation of such programs, including cur-
7 rriculum development and delivery for re-
8 lated instruction;

9 “(iii) supporting entities, sponsors, or
10 program administrators in meeting the
11 registration and reporting requirements of
12 this Act;

13 “(iv) providing professional develop-
14 ment activities such as training to men-
15 tors;

16 “(v) supporting the recruitment, re-
17 tention, and completion of potential pro-
18 gram participants, including nontraditional
19 apprenticeship populations and individuals
20 with barriers to employment;

21 “(vi) developing and providing person-
22 alized program participant supports, in-
23 cluding by partnering with organizations to
24 provide access to or referrals for supportive
25 services and financial advising;

1 “(vii) providing services, resources,
2 and supports for development, delivery, ex-
3 pansion, or improvement of programs
4 under the national apprenticeship system;
5 or

6 “(viii) serving as a program sponsor.

7 “(B) PARTNERSHIPS.—The term ‘partner-
8 ships described in subparagraph (B)’ means
9 partnerships among entities involved in, or ap-
10 plying to participate in, programs under the na-
11 tional apprenticeship system, including—

12 “(i) industry or sector partnerships;

13 “(ii) partnerships among employers,
14 joint labor-management organizations,
15 labor organizations, community-based or-
16 ganizations, industry associations, State or
17 local workforce development boards, edu-
18 cation and training providers, social service
19 organizations, economic development orga-
20 nizations, Indian Tribes or Tribal organi-
21 zations, one-stop operators, one-stop part-
22 ners, or veterans service organizations in
23 the State workforce development system;
24 or

1 “(iii) partnerships among 1 or more
2 of the entities described in clauses (i) and
3 (ii).

4 “(b) ESTABLISHMENT OF APPRENTICESHIP PRO-
5 GRAMS.—Not later than 2 years after the date of enact-
6 ment of this section, the Director may establish 1 or more
7 apprenticeship programs as described in subsection (c).

8 “(c) APPRENTICESHIP PROGRAMS DESCRIBED.—An
9 apprenticeship program described in this subsection is an
10 apprenticeship program that—

11 “(1) leads directly to employment in—

12 “(A) a cybersecurity work role with the
13 Agency; or

14 “(B) a position with a company or other
15 entity provided that the position is—

16 “(i) certified by the Director as con-
17 tributing to the national cybersecurity of
18 the United States; and

19 “(ii) funded at least in majority part
20 through a contract, grant, or cooperative
21 agreement with the Agency;

22 “(2) is focused on competencies and related
23 learning necessary, as determined by the Director, to
24 meet the immediate and ongoing needs of cybersecu-
25 rity work roles at the Agency; and

1 “(3) is registered with and approved by the Of-
2 fice of Apprenticeship of the Department of Labor
3 or a State apprenticeship agency pursuant to the
4 Act of August 16, 1937 (commonly known as the
5 ‘National Apprenticeship Act’; 29 U.S.C. 50 et seq.).

6 “(d) COORDINATION.—In the development of an ap-
7 prenticeships program under this section, the Director
8 shall consult with the Secretary of Labor, the Director of
9 the National Institute of Standards and Technology, the
10 Secretary of Defense, the Director of the National Science
11 Foundation, and the Director of the Office of Personnel
12 Management to leverage existing resources, research, com-
13 munities of practice, and frameworks for developing cyber-
14 security apprenticeship programs.

15 “(e) OPTIONAL USE OF GRANTS OR COOPERATIVE
16 AGREEMENTS.—An apprenticeship program under this
17 section may include entering into a contract or cooperative
18 agreement with or making a grant to an eligible entity
19 if determined appropriate by the Director based on the
20 eligible entity—

21 “(1) demonstrating experience in implementing
22 and providing career planning and career pathways
23 toward apprenticeship programs;

24 “(2) having knowledge of cybersecurity work-
25 force development;

1 “(3) being eligible to enter into a contract or
2 cooperative agreement with or receive grant funds
3 from the Agency as described in this section;

4 “(4) providing students who complete the ap-
5 prenticeship program with a recognized postsec-
6 ondary credential;

7 “(5) using related instruction that is specifically
8 aligned with the needs of the Agency and utilizes
9 workplace learning advisors and on-the-job training
10 to the greatest extent possible; and

11 “(6) demonstrating successful outcomes con-
12 necting graduates of the apprenticeship program to
13 careers relevant to the program.

14 “(f) APPLICATIONS.—If the Director enters into an
15 arrangement as described in subsection (e), an eligible en-
16 tity seeking a contract, cooperative agreement, or grant
17 under the program shall submit to the Director an applica-
18 tion at such time, in such manner, and containing such
19 information as the Director may require.

20 “(g) PRIORITY.—In selecting eligible entities to re-
21 ceive a contract, grant, or cooperative agreement under
22 this section, the Director may prioritize an eligible entity
23 that—

24 “(1) is a member of an industry or sector part-
25 nership;

1 “(2) provides related instruction for an appren-
2 ticeship program through—

3 “(A) a local educational agency, a sec-
4 ondary school, a provider of adult education, an
5 area career and technical education school, or
6 an institution of higher education; or

7 “(B) an apprenticeship program that was
8 registered with the Department of Labor or a
9 State apprenticeship agency before the date on
10 which the eligible entity applies for the grant
11 under subsection (g);

12 “(3) works with the Secretary of Defense, the
13 Secretary of Veterans Affairs, or veterans organiza-
14 tions to transition members of the Armed Forces
15 and veterans to apprenticeship programs in a rel-
16 evant sector; or

17 “(4) plans to use the grant to carry out the ap-
18 prenticeship program with an entity that receives
19 State funding or is operated by a State agency.

20 “(h) TECHNICAL ASSISTANCE.—The Director shall
21 provide technical assistance to eligible entities to leverage
22 the existing job training and education programs of the
23 Agency and other relevant programs at appropriate Fed-
24 eral agencies.

1 “(i) EXCEPTED SERVICE.—Participants in the pro-
2 gram may be entered into cybersecurity-specific excepted
3 service positions as determined appropriate by the Direc-
4 tor and authorized by section 2208.

5 “(j) REPORT.—

6 “(1) IN GENERAL.—Not less than once every 2
7 years after the establishment of an apprenticeship
8 program under this section, the Director shall sub-
9 mit to Congress a report on the program, includ-
10 ing—

11 “(A) a description of—

12 “(i) any activity carried out by the
13 Agency under this section;

14 “(ii) any entity that enters into a con-
15 tract or agreement with or receives a grant
16 from the Agency under subsection (e);

17 “(iii) any activity carried out using a
18 contract, agreement, or grant under this
19 section as described in subsection (e); and

20 “(iv) best practices used to leverage
21 the investment of the Federal Government
22 under this section; and

23 “(B) an assessment of the results achieved
24 by the program, including the rate of continued
25 employment at the Agency for participants

1 after completing an apprenticeship program
2 carried out under this section.

3 “(k) PERFORMANCE REPORTS.—Not later than 1
4 year after the establishment of an apprenticeship program
5 under this section, and annually thereafter, the Director
6 shall submit to Congress and the Secretary of Labor a
7 report on the effectiveness of the program based on the
8 accountability measures described in clauses (i) and (ii)
9 of section 116(b)(2)(A) of the Workforce Innovation and
10 Opportunity Act (29 U.S.C. 3141(b)(2)(A)).

11 “(l) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Agency such sums
13 as necessary to carry out this section.”.

14 **SEC. 5903. PILOT PROGRAM ON CYBER TRAINING FOR VET-**
15 **ERANS AND MEMBERS OF THE ARMED**
16 **FORCES TRANSITIONING TO CIVILIAN LIFE.**

17 (a) DEFINITIONS.—In this section:

18 (1) ELIGIBLE INDIVIDUAL.—The term “eligible
19 individual” means an individual who is—

20 (A) a member of the Armed Forces
21 transitioning from service in the Armed Forces
22 to civilian life; or

23 (B) a veteran.

24 (2) PORTABLE CREDENTIAL.—The term “port-
25 able credential”—

1 (A) means a documented award by a re-
2 sponsible and authorized entity that has deter-
3 mined that an individual has achieved specific
4 learning outcomes relative to a given standard;
5 and

6 (B) includes a degree, diploma, license,
7 certificate, badge, and professional or industry
8 certification that—

9 (i) has value locally and nationally in
10 labor markets, educational systems, or
11 other contexts;

12 (ii) is defined publicly in such a way
13 that allows educators, employers, and other
14 individuals and entities to understand and
15 verify the full set of skills represented by
16 the credential; and

17 (iii) enables a holder of the credential
18 to move vertically and horizontally within
19 and across training and education systems
20 for the attainment of other credentials.

21 (3) VETERAN.—The term “veteran” has the
22 meaning given the term in section 101 of title 31,
23 United States Code.

24 (4) WORK-BASED LEARNING.—The term “work-
25 based learning” has the meaning given the term in

1 section 3 of the Carl D. Perkins Career and Tech-
2 nical Education Act of 2006 (20 U.S.C. 2302).

3 (b) ESTABLISHMENT.—Not later than 1 year after
4 the date of enactment of this Act, the Secretary of Vet-
5 erans Affairs shall establish a pilot program under which
6 the Secretary shall provide cyber-specific training for eligi-
7 ble individuals.

8 (c) ELEMENTS.—The pilot program established
9 under subsection (b) shall incorporate—

10 (1) virtual platforms for coursework and train-
11 ing;

12 (2) hands-on skills labs and assessments;

13 (3) Federal work-based learning opportunities
14 and programs; and

15 (4) the provision of portable credentials to eligi-
16 ble individuals who graduate from the pilot program.

17 (d) ALIGNMENT WITH NICE WORKFORCE FRAME-
18 WORK FOR CYBERSECURITY.—The pilot program estab-
19 lished under subsection (b) shall align with the taxonomy,
20 including work roles and associated tasks, knowledge, and
21 skills, from the National Initiative for Cybersecurity Edu-
22 cation Workforce Framework for Cybersecurity (NIST
23 Special Publication 800–181), or any successor frame-
24 work.

25 (e) COORDINATION.—

1 (1) TRAINING, PLATFORMS, AND FRAME-
2 WORKS.—In developing the pilot program under sub-
3 section (b), the Secretary of Veterans Affairs shall
4 coordinate with the Secretary of Defense, the Sec-
5 retary of Homeland Security, the Secretary of
6 Labor, and the Director of the Office of Personnel
7 Management to evaluate and, where possible, lever-
8 age existing training, platforms, and frameworks of
9 the Federal Government for providing cyber edu-
10 cation and training to prevent duplication of efforts.

11 (2) FEDERAL WORK-BASED LEARNING OPPOR-
12 TUNITIES AND PROGRAMS.—In developing the Fed-
13 eral work-based learning opportunities and programs
14 required under subsection (c)(3), the Secretary of
15 Veterans Affairs shall coordinate with the Secretary
16 of Defense, the Secretary of Homeland Security, the
17 Secretary of Labor, the Director of the Office of
18 Personnel Management, and the heads of other ap-
19 propriate Federal agencies to identify or create
20 interagency opportunities that will enable the pilot
21 program established under subsection (b) to—

22 (A) bridge the gap between knowledge ac-
23 quisition and skills application for participants;
24 and

1 (B) give participants the experience nec-
2 essary to pursue Federal employment.

3 (f) RESOURCES.—

4 (1) IN GENERAL.—In any case in which the
5 pilot program established under subsection (b)—

6 (A) uses a program of the Department of
7 Veterans Affairs or platforms and frameworks
8 described in subsection (e)(1), the Secretary of
9 Veterans Affairs shall take such actions as may
10 be necessary to ensure that those programs,
11 platforms, and frameworks are expanded and
12 resourced to accommodate usage by eligible in-
13 dividuals participating in the pilot program; or

14 (B) does not use a program of the Depart-
15 ment of Veterans Affairs or platforms and
16 frameworks described in subsection (e)(1), the
17 Secretary of Veterans Affairs shall take such
18 actions as may be necessary to develop or pro-
19 cure programs, platforms, and frameworks nec-
20 essary to carry out the requirements of sub-
21 section (e) and accommodate the usage by eligi-
22 ble individuals participating in the pilot pro-
23 gram.

1 (2) ACTIONS.—Actions described in paragraph
2 (1) may include providing additional funding, staff,
3 or other resources to—

4 (A) provide administrative support for
5 basic functions of the pilot program;

6 (B) ensure the success and ongoing en-
7 gagement of eligible individuals participating in
8 the pilot program;

9 (C) connect graduates of the pilot program
10 to job opportunities within the Federal Govern-
11 ment; and

12 (D) allocate dedicated positions for term
13 employment to enable Federal work-based
14 learning opportunities and programs for partici-
15 pants to gain the experience necessary to pur-
16 sue permanent Federal employment.

17 **SEC. 5904. FEDERAL WORKFORCE ASSESSMENT EXTEN-**
18 **SION.**

19 Section 304(a) of the Federal Cybersecurity Work-
20 force Assessment Act of 2015 (5 U.S.C. 301 note) is
21 amended, in the matter preceding paragraph (1), by strik-
22 ing “2022” and inserting “2025”.

23 **SEC. 5905. TITLE XXII TECHNICAL AND CLERICAL AMEND-**
24 **MENTS.**

25 (a) TECHNICAL AMENDMENTS.—

1 (1) HOMELAND SECURITY ACT OF 2002.—Sub-
2 title A of title XXII of the Homeland Security Act
3 of 2002 (6 U.S.C. 651 et seq.) is amended—

4 (A) in the first section 2215 (6 U.S.C.
5 665; relating to the duties and authorities relat-
6 ing to .gov internet domain), by amending the
7 section enumerator and heading to read as fol-
8 lows:

9 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
10 **INTERNET DOMAIN.”;**

11 (B) in the second section 2215 (6 U.S.C.
12 665b; relating to the joint cyber planning of-
13 fice), by amending the section enumerator and
14 heading to read as follows:

15 **“SEC. 2216. JOINT CYBER PLANNING OFFICE.”;**

16 (C) in the third section 2215 (6 U.S.C.
17 665c; relating to the Cybersecurity State Coor-
18 dinator), by amending the section enumerator
19 and heading to read as follows:

20 **“SEC. 2217. CYBERSECURITY STATE COORDINATOR.”;**

21 (D) in the fourth section 2215 (6 U.S.C.
22 665d; relating to Sector Risk Management
23 Agencies), by amending the section enumerator
24 and heading to read as follows:

1 **“SEC. 2218. SECTOR RISK MANAGEMENT AGENCIES.”;**

2 (E) in section 2216 (6 U.S.C. 665e; relat-
3 ing to the Cybersecurity Advisory Committee),
4 by amending the section enumerator and head-
5 ing to read as follows:

6 **“SEC. 2219. CYBERSECURITY ADVISORY COMMITTEE.”; and**

7 (F) in section 2217 (6 U.S.C. 665f; relat-
8 ing to Cybersecurity Education and Training
9 Programs), by amending the section enu-
10 merator and heading to read as follows:

11 **“SEC. 2220. CYBERSECURITY EDUCATION AND TRAINING**
12 **PROGRAMS.”.**

13 (2) CONSOLIDATED APPROPRIATIONS ACT,
14 2021.—Paragraph (1) of section 904(b) of division U
15 of the Consolidated Appropriations Act, 2021 (Pub-
16 lic Law 116–260) is amended, in the matter pre-
17 ceding subparagraph (A), by inserting “of 2002”
18 after “Homeland Security Act”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of the Homeland Security Act of 2002 is
21 amended by striking the items relating to sections 2214
22 through 2217 and inserting the following new items:

“Sec. 2214. National Asset Database.

“Sec. 2215. Duties and authorities relating to .gov internet domain.

“Sec. 2216. Joint cyber planning office.

“Sec. 2217. Cybersecurity State Coordinator.

“Sec. 2218. Sector Risk Management Agencies.

“Sec. 2219. Cybersecurity Advisory Committee.

“Sec. 2220. Cybersecurity Education and Training Programs.

“Sec. 2220A. Apprenticeship program.”.

1 **TITLE LX—SAUDI ARABIA AC-**
2 **COUNTABILITY FOR GROSS**
3 **VIOLATIONS OF HUMAN**
4 **RIGHTS ACT**

5 **SEC. 6001. SHORT TITLE.**

6 This title may be cited as the “Saudi Arabia Account-
7 ability for Gross Violations of Human Rights Act”.

8 **SEC. 6002. FINDINGS.**

9 Congress finds the following:

10 (1) On October 2, 2018, Washington Post jour-
11 nalist Jamal Khashoggi was murdered by Saudi
12 Government agents in Istanbul.

13 (2) According to the United Nations Special
14 Rapporteur’s June 2019 report, Mr. Khashoggi con-
15 tacted the Saudi Embassy in Washington regarding
16 required documentation he needed to obtain from
17 Saudi authorities and “was told to obtain the docu-
18 ment from the Saudi embassy in Turkey”.

19 (3) According to press reports, Mr. Khashoggi’s
20 associates were surveilled after having their phones
21 infiltrated by spyware.

22 (4) On July 15, 2019, the House of Represent-
23 atives passed by a margin of 405-7 the Saudi Arabia
24 Human Rights and Accountability Act of 2019
25 (H.R. 2037), which required—

1 (A) an unclassified report by the Director
2 of National Intelligence on parties responsible
3 for Khashoggi’s murder, a requirement ulti-
4 mately inserted into and passed as part of the
5 National Defense Authorization Act for Fiscal
6 Year 2020 (Public Law 116–92);

7 (B) visa sanctions on all persons identified
8 in such report; and

9 (C) a report on human rights in Saudi
10 Arabia.

11 (5) On February 26, 2021, the Director of Na-
12 tional Intelligence released the report produced pur-
13 suant to congressional direction, which stated, “we
14 assess that Saudi Arabia’s Crown Prince Muham-
15 mad bin Salman approved an operation in Istanbul,
16 Turkey to capture or kill Saudi journalist Jamal
17 Khashoggi.”. The report also identified several indi-
18 viduals who “participated in, ordered, or were other-
19 wise complicit in or responsible for the death of
20 Jamal Khashoggi on behalf of Muhammad bin
21 Salman. We do not know whether these individuals
22 knew in advance that the operation would result in
23 Khashoggi’s death.”.

24 (6) Section 7031(c) of division K of the Con-
25 solidated Appropriations Act, 2021 states “Officials

1 of foreign governments and their immediate family
2 members about whom the Secretary of State has
3 credible information have been involved, directly or
4 indirectly, in . . . a gross violation of human
5 rights. . . shall be ineligible for entry into the
6 United States.”.

7 (7) Section 6 of the Arms Export Control Act
8 (22 U.S.C. 2756) provides that no letters of offer
9 may be issued, no credits or guarantees may be ex-
10 tended, and no export licenses may be issued with
11 respect to any country determined by the President
12 to be engaged in a “consistent pattern of acts of in-
13 timidation or harassment directed against individ-
14 uals in the United States”.

15 (8) Section 502B of the Foreign Assistance Act
16 of 1961 (22 U.S.C. 2304) directs the President to
17 formulate and conduct international security assist-
18 ance programs of the United States in a manner
19 which will “promote and advance human rights and
20 avoid identification of the United States, through
21 such programs, with governments which deny to
22 their people internationally recognized human rights
23 and fundamental freedoms, in violation of inter-
24 national law or in contravention of the policy of the
25 United States”.

1 (9) Secretary of State Antony Blinken on Feb-
2 ruary 26, 2021, stated: “As a matter of safety for
3 all within our borders, perpetrators targeting per-
4 ceived dissidents on behalf of any foreign govern-
5 ment should not be permitted to reach American
6 soil. . . We have made absolutely clear that
7 extraterritorial threats and assaults by Saudi Arabia
8 against activists, dissidents, and journalists must
9 end.”.

10 **SEC. 6003. SANCTIONS WITH RESPECT TO FOREIGN PER-**
11 **SONS LISTED IN THE REPORT OF THE DIREC-**
12 **TOR OF NATIONAL INTELLIGENCE ON THE**
13 **MURDER OF JAMAL KHASHOGGI.**

14 (a) IMPOSITION OF SANCTIONS.—On and after the
15 date that is 60 days after the date of the enactment of
16 this Act, the sanctions described in subsection (b) shall
17 be imposed with respect to each foreign person listed in
18 the Office of the Director of National Intelligence report
19 titled “Assessing the Saudi Government’s Role in the Kill-
20 ing of Jamal Khashoggi”, dated February 11, 2021.

21 (b) SANCTIONS DESCRIBED.—

22 (1) IN GENERAL.—The sanctions described in
23 this subsection are the following:

24 (A) INELIGIBILITY FOR VISAS AND ADMIS-
25 SION TO THE UNITED STATES.—

1 (i) Inadmissibility to the United
2 States.

3 (ii) Ineligibility to receive a visa or
4 other documentation to enter the United
5 States.

6 (iii) Ineligibility to otherwise be ad-
7 mitted or paroled into the United States or
8 to receive any other benefit under the Im-
9 migration and Nationality Act (8 U.S.C.
10 110et seq.).

11 (B) CURRENT VISAS REVOKED.—

12 (i) Revocation of any visa or other
13 entry documentation regardless of when
14 the visa or other entry documentation is or
15 was issued.

16 (ii) A revocation under clause (i)
17 shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any
20 other valid visa or entry documenta-
21 tion that is in the foreign person's
22 possession.

23 (2) EXCEPTION TO COMPLY WITH INTER-
24 NATIONAL OBLIGATIONS.—Sanctions under para-
25 graph (1) shall not apply with respect to a foreign

1 person if admitting or paroling the person into the
2 United States is necessary to permit the United
3 States to comply with the Agreement regarding the
4 Headquarters of the United Nations, signed at Lake
5 Success June 26, 1947, and entered into force No-
6 vember 21, 1947, between the United Nations and
7 the United States, or other applicable international
8 obligations.

9 (3) WAIVER IN THE INTEREST OF NATIONAL
10 SECURITY.—The President may waive for an indi-
11 vidual entry into the United States the application
12 of this section with respect to a foreign person who
13 is A-1 visa eligible and who is present in or seeking
14 admission into the United States for purposes of of-
15 ficial business if the President determines and trans-
16 mits to the appropriate congressional committees an
17 unclassified written notice and justification not later
18 than 15 days before the granting of such waiver,
19 that such a waiver is in the national security inter-
20 ests of the United States.

21 (c) SUSPENSION OF SANCTIONS.—

22 (1) IN GENERAL.—The President may suspend
23 in whole or in part the imposition of sanctions other-
24 wise required under this section if the President cer-
25 tifies to the appropriate congressional committees

1 that the following criteria have been met in Saudi
2 Arabia:

3 (A) The Government of Saudi Arabia is
4 not arbitrarily detaining citizens or legal resi-
5 dents of the United States for arbitrary polit-
6 ical reasons, including criticism of Saudi gov-
7 ernment policies, peaceful advocacy of political
8 beliefs, or the pursuit of United States citizen-
9 ship.

10 (B) The Government of Saudi Arabia is
11 cooperating in outstanding criminal proceedings
12 in the United States in which a Saudi citizen or
13 national departed from the United States while
14 the citizen or national was awaiting trial or sen-
15 tencing for a criminal offense committed in the
16 United States.

17 (C) The Government of Saudi Arabia has
18 made significant numerical reductions in indi-
19 viduals detained for peaceful political reasons,
20 including activists, journalists, bloggers, law-
21 yers, or critics.

22 (D) The Government of Saudi Arabia has
23 disbanded any units of its intelligence or secu-
24 rity apparatus dedicated to the forced repatri-

1 ation of dissidents or critical voices in other
2 countries.

3 (E) The Government of Saudi Arabia has
4 made meaningful public commitments to uphold
5 internationally recognized standards governing
6 the use, sale, and transfer of digital surveillance
7 items and services that can be used to abuse
8 human rights.

9 (F) The Government of Saudi Arabia has
10 instituted meaningful legal reforms to protect
11 the rights of women, the rights of freedom of
12 expression and religion, and due process in its
13 judicial system.

14 (2) REPORT.—Accompanying the certification
15 described in paragraph (1), the President shall sub-
16 mit to the appropriate congressional committees a
17 report that contains a detailed description of Saudi
18 Arabia’s adherence to the criteria described in the
19 certification.

20 (d) DEFINITIONS.—In this section:

21 (1) ADMITTED; ALIEN.—The terms “admitted”
22 and “alien” have the meanings given those terms in
23 section 101 of the Immigration and Nationality Act
24 (8 U.S.C. 1101).

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs, the
5 Committee on the Judiciary, and the Perma-
6 nent Select Committee on Intelligence of the
7 House of Representatives; and

8 (B) the Committee on Foreign Relations,
9 the Committee on the Judiciary, and the Select
10 Committee on Intelligence of the Senate.

11 (3) FOREIGN PERSON.—The term “foreign per-
12 son” has the meaning given such term in section
13 595.304 of title 31, Code of Federal Regulations (as
14 in effect on the day before the date of the enactment
15 of this Act), except that such term does not include
16 an entity (as such term is described in such section).

17 (4) FOREIGN PERSON WHO IS A-1 VISA ELIGI-
18 BLE.—The term “foreign person who is A-1 visa eli-
19 gible” means an alien described in section
20 101(a)(15)(A)(i) of the Immigration and Nationality
21 Act (8 U.S.C. 1101(a)(15)(A)(i)).

22 (5) UNITED STATES PERSON.—The term
23 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or any jurisdiction within the
6 United States, including a foreign branch of
7 such an entity.

8 **SEC. 6004. REPORT ON INTIMIDATION OR HARASSMENT DI-**
9 **RECTED AGAINST INDIVIDUALS IN THE**
10 **UNITED STATES AND OTHER MATTERS.**

11 (a) IN GENERAL.—Not later than one year after the
12 date of the enactment of this Act, and annually thereafter,
13 the Secretary of State, in consultation with the Director
14 of National Intelligence and the Director of the Federal
15 Bureau of Investigation, shall submit to the appropriate
16 congressional committees a report identifying any entities,
17 instrumentalities, or agents of the Government of Saudi
18 Arabia engaged in “a consistent pattern of acts of intimi-
19 dation or harassment directed against individuals in the
20 United States” pursuant to section 6 of the Arms Export
21 Control Act (22 U.S.C. 2756).

22 (b) MATTERS TO BE INCLUDED.—The report re-
23 quired by subsection (a) shall include the following:

24 (1) A detailed description of such acts in the
25 preceding period.

1 (2) A certification of whether such acts during
2 the preceding period constitute a “consistent pattern
3 of acts of intimidation or harassment directed
4 against individuals in the United States” pursuant
5 to section 6 of the Arms Export Control Act (22
6 U.S.C. 2756).

7 (3) A determination of whether any United
8 States-origin defense articles were used in the com-
9 mission of such acts.

10 (4) A determination of whether entities, instru-
11 mentalities, or agents of the Government of Saudi
12 Arabia supported or received support from foreign
13 governments, including China, in the commission of
14 such acts.

15 (5) Any actions taken by the United States
16 Government to deter incidents of intimidation or
17 harassment directed against individuals in the
18 United States.

19 (c) FORM.—The report required by subsection (a)
20 shall be submitted in unclassified form, but may contain
21 a classified annex.

22 (d) SUNSET.—This section shall terminate on the
23 date that is 5 years after the date of the enactment of
24 this Act.

1 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Committee on Foreign Affairs, the
5 Committee on Armed Services, and the Permanent
6 Select Committee on Intelligence of the House of
7 Representatives; and

8 (2) the Committee on Foreign Relations, the
9 Committee on Armed Services, and the Select Com-
10 mittee on Intelligence of the Senate.

11 **SEC. 6005. REPORT ON EFFORTS TO UPHOLD HUMAN**
12 **RIGHTS IN UNITED STATES SECURITY ASSIST-**
13 **ANCE PROGRAMS WITH THE GOVERNMENT**
14 **OF SAUDI ARABIA.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of State shall submit to
17 the Committee on Foreign Affairs of the House of Rep-
18 resentative and the Committee on Foreign Relations of the
19 Senate a report on efforts of the Department of State to
20 ensure that United States security assistance programs
21 with Saudi Arabia are formulated in a manner that will
22 “avoid identification of the United States, through such
23 programs, with governments which deny to their people
24 internationally recognized human rights and fundamental

1 freedoms” in accordance with section 502B of the Foreign
2 Assistance Act (22 U.S.C. 2304).

3 **SEC. 6006. REPORT ON CERTAIN ENTITIES CONNECTED TO**
4 **FOREIGN PERSONS ON THE MURDER OF**
5 **JAMAL KHASHOGGI.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of State,
8 in consultation with the heads of appropriate agencies,
9 shall submit to the appropriate congressional committees
10 a report on private, commercial, and nongovernmental en-
11 tities, including non-profit foundations, controlled in whole
12 or in part by any foreign person named in the Office of
13 the Director of National Intelligence report titled “Assess-
14 ing the Saudi Government’s Role in the Killing of Jamal
15 Khashoggi”, dated February 11, 2021.

16 (b) MATTERS TO BE INCLUDED.—The report re-
17 quired by subsection (a) shall include the following:

18 (1) A description of such entities.

19 (2) A detailed assessment, based in part on
20 credible open sources and other publicly-available in-
21 formation, of the roles, if any, such entities played
22 in the murder of Jamal Khashoggi or any other
23 gross violations of internationally recognized human
24 rights.

1 (3) A certification of whether any such entity is
2 subject to sanctions pursuant to the Global
3 Magnitsky Human Rights Accountability Act (22
4 U.S.C. 2656 note).

5 (c) FORM.—The report required by subsection (a)
6 shall be submitted in unclassified form, but may include
7 a classified annex.

8 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
9 DEFINED.—In this section, the term “appropriate con-
10 gressional committees” means—

11 (1) the Committee on Foreign Affairs and the
12 Permanent Select Committee on Intelligence of the
13 House of Representatives; and

14 (2) the Committee on Foreign Relations and
15 the Select Committee on Intelligence of the Senate.

16 **TITLE LXI—PREVENTING**
17 **FUTURE PANDEMICS**

18 **SEC. 6101. WILDLIFE MARKET DEFINED.**

19 In this Act, the term “wildlife market”—

20 (1) means a commercial market that—

21 (A) sells or slaughters terrestrial, including
22 avian, wildlife for human consumption as food
23 or medicine, whether the animals originated in
24 the wild or in a captive environment; and

1 (B) delivers a product in communities
2 where alternative nutritional or protein sources
3 are available; and

4 (2) does not include markets in areas where no
5 other practical alternative sources of protein or meat
6 exists, such as wildlife markets in rural areas on
7 which indigenous people rely to feed themselves and
8 their families.

9 **SEC. 6102. INTERNATIONAL COOPERATION.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that global institutions, including the Food and Ag-
12 riculture Organization of the United Nations (FAO), the
13 World Organisation for Animal Health (OIE), and the
14 World Health Organization (WHO), together with leading
15 nongovernmental organizations, veterinary colleges, and
16 the United States Agency for International Development
17 (USAID), should promote the paradigm of One Health—
18 the integration of human health, animal health, agri-
19 culture, ecosystems, and the environment as an effective
20 and integrated way to address the complexity of emerging
21 disease threats.

22 (b) STATEMENT OF POLICY.—It is the policy of the
23 United States to facilitate international cooperation by
24 working with international partners and through intergov-

1 ernmental, international, and nongovernmental organiza-
2 tions such as the United Nations to—

3 (1) lead a resolution at the United Nations Se-
4 curity Council or General Assembly and World
5 Health Assembly outlining the danger to human and
6 animal health from emerging zoonotic infectious dis-
7 eases, with recommendations for implementing the
8 worldwide closure of wildlife markets and the ending
9 of the associated commercial trade of terrestrial
10 wildlife that feed and supply those markets, except
11 for in such countries or regions where the consump-
12 tion of wildlife is necessary for local food security or
13 where such actions would significantly disrupt a
14 readily available and irreplaceable food supply;

15 (2) work with governments through existing
16 treaties and the United Nations to develop a new
17 protocol or agreement, and amend existing protocols
18 or agreements, regarding stopping deforestation and
19 other ecosystem destruction, closing commercial
20 wildlife markets for human consumption, and end
21 the associated commercial trade of terrestrial wildlife
22 that feed and supply those markets while ensuring
23 full consideration to the needs and rights of indige-
24 nous peoples and local communities that are depend-

1 ent on wildlife for their food security, national sov-
2 ereignty, and local laws and customs;

3 (3) disrupt and ultimately end the commercial
4 international trade in terrestrial wildlife associated
5 with wildlife markets and eliminate commercial wild-
6 life markets;

7 (4) disrupt and ultimately eliminate wildlife
8 trafficking associated with the operation of wildlife
9 markets;

10 (5) raise awareness on the dangerous potential
11 of wildlife markets as a source of zoonotic diseases
12 such as the novel coronavirus that causes the disease
13 COVID–19 and reduce demand for the consumption
14 of wildlife through evidence-based behavior change
15 programs while ensuring that existing wildlife habi-
16 tat is not encroached upon or destroyed as part of
17 this process;

18 (6) encourage and support alternate forms of
19 food production, farming, and shifts to domestic
20 animal- or plant-source foods instead of terrestrial
21 wildlife where able and appropriate, and reduce con-
22 sumer demand for terrestrial wildlife through en-
23 hanced local and national food systems, especially in
24 areas where wildlife markets play a significant role
25 in meeting subsistence needs while ensuring that ex-

1 isting wildlife habitat is not encroached upon or de-
2 stroyed as part of this process; and

3 (7) strive to increase hygienic standards imple-
4 mented in markets around the globe, especially those
5 specializing in the sale of products intended for
6 human consumption.

7 (c) ACTIVITIES.—

8 (1) GLOBAL PROHIBITIONS AND ENFORCE-
9 MENT.—The United States Government, working
10 through the United Nations and its components, as
11 well as international organization such as Interpol
12 and the World Organisation for Animal Health, and
13 in furtherance of the policies described in subsection
14 (b), shall—

15 (A) collaboratively with other member
16 states, issue declarations, statements, and com-
17 muniquees urging a global ban on commercial
18 wildlife markets and trade for human consump-
19 tion; and

20 (B) urge increased enforcement of existing
21 laws to end wildlife trafficking.

22 (2) INTERNATIONAL COALITIONS.—The Sec-
23 retary of State shall seek to build international coali-
24 tions focused on ending commercial wildlife markets
25 for human consumption and associated wildlife trade

1 which feeds and supplies said markets, with a focus
2 on the following efforts:

3 (A) Providing assistance and advice to
4 other governments in the adoption of legislation
5 and regulations to close wildlife markets and
6 trade for human consumption.

7 (B) Creating economic pressure on wildlife
8 markets and their supply chains to prevent
9 their operation.

10 (C) Providing assistance and guidance to
11 other governments to prohibit the import, ex-
12 port, and domestic trade of live terrestrial wild-
13 life for the purpose of human consumption.

14 (D) Engaging and receiving guidance from
15 key stakeholders at the ministerial, local gov-
16 ernment, and civil society level in countries that
17 will be impacted by this Act and where wildlife
18 markets and associated wildlife trafficking is
19 the predominant source of meat or protein, in
20 order to mitigate the impact of any inter-
21 national efforts on local customs, conservation
22 methods, or cultural norms.

23 (d) UNITED STATES AGENCY FOR INTERNATIONAL
24 DEVELOPMENT.—

25 (1) SUSTAINABLE FOOD SYSTEMS FUNDING.—

1 (A) AUTHORIZATION OF APPROPRIA-
2 TIONS.—In addition to any other amounts pro-
3 vided for such purposes, there is authorized to
4 be appropriated \$300,000,000 for each fiscal
5 year from 2021 through 2030 to the United
6 States Agency for International Development to
7 reduce demand for consumption of wildlife from
8 wildlife markets and support shifts to diversi-
9 fied alternative sources of food and protein in
10 communities that rely upon the consumption of
11 wildlife for food security while ensuring that ex-
12 isting wildlife habitat is not encroached upon or
13 destroyed as part of this process.

14 (B) ACTIVITIES.—The Bureau for Eco-
15 nomic Growth, Education, and Environment,
16 the Bureau for Resilience and Food Security,
17 and the Bureau for Global Health of the United
18 States Agency for International Development
19 shall, in partnership with United States institu-
20 tions of higher education and nongovernmental
21 organizations, co-develop approaches focused on
22 safe, sustainable food systems that support and
23 incentivize the replacement of terrestrial wildlife
24 in diets while ensuring that existing wildlife

1 habitat is not encroached upon or destroyed as
2 part of this process.

3 (2) ADDRESSING THREATS AND CAUSES OF
4 ZOOBOTIC DISEASE OUTBREAKS.—The Adminis-
5 trator of the United States Agency for International
6 Development shall increase activities in USAID pro-
7 grams related to biodiversity, wildlife trafficking,
8 sustainable landscape, global health, food security,
9 and resilience in order to address the threats and
10 causes of zoonotic disease outbreaks, including
11 through—

12 (A) education;

13 (B) capacity building;

14 (C) strengthening human health surveil-
15 lance systems for emergence of zoonotic disease,
16 and strengthening cross-sectoral collaboration
17 to align risk reduction approaches;

18 (D) improved domestic and wild animal
19 disease surveillance and control at production
20 and market levels;

21 (E) development of alternative livelihood
22 opportunities where possible;

23 (F) conservation of intact ecosystems and
24 reduction of fragmentation and conversion of

1 natural habitats to prevent the creation of new
2 pathways for zoonotic disease transmission;

3 (G) minimizing interactions between do-
4 mestic livestock and wild animals in markets
5 and captive production; and

6 (H) supporting shifts from wildlife markets
7 to diversified, safe, affordable, and accessible
8 protein such as domestic animal- and plant-
9 source foods through enhanced local and na-
10 tional food systems while ensuring that existing
11 wildlife habitat is not encroached upon or de-
12 stroyed as part of this process.

13 (3) IMMEDIATE RELIEF FUNDING TO STABILIZE
14 PROTECTED AREAS.—The Administrator of the
15 United States Agency for International Development
16 shall administer immediate relief funding to stabilize
17 protected areas and conservancies.

18 (e) STAFFING REQUIREMENTS.—

19 (1) OFFICE OF TERRORISM AND FINANCIAL IN-
20 TELLIGENCE.—The Under Secretary of the Treas-
21 ury for Terrorism and Financial Intelligence is en-
22 couraged to hire additional investigators to bolster
23 capacity for investigations focused on individuals en-
24 gaged in the activities described in subsection (c).

1 (2) UNITED STATES AGENCY FOR INTER-
2 NATIONAL DEVELOPMENT.—The Administrator of
3 the United States Agency for International Develop-
4 ment, in collaboration with the United States Fish
5 and Wildlife Service, the United States Department
6 of Agriculture Animal and Plant Health Inspection
7 Service, and other Federal entities as appropriate, is
8 authorized to hire additional personnel—

9 (A) to undertake programs aimed at reduc-
10 ing the risks of endemic and emerging infec-
11 tious diseases and exposure to antimicrobial re-
12 sistant pathogens;

13 (B) to provide administrative support and
14 resources to ensure effective and efficient co-
15 ordination of funding opportunities and sharing
16 of expertise from relevant USAID bureaus and
17 programs, including emerging pandemic
18 threats;

19 (C) to award funding to on-the-ground
20 projects;

21 (D) to provide project oversight to ensure
22 accountability and transparency in all phases of
23 the award process; and

24 (E) to undertake additional activities
25 under this Act.

1 (f) REPORTING REQUIREMENTS.—

2 (1) DEPARTMENT OF STATE.—Not later than
3 180 days after the date of the enactment of this Act,
4 and annually thereafter until 2030, the Secretary of
5 State shall submit to the appropriate congressional
6 committees a report describing—

7 (A) the actions taken pursuant to this Act;

8 (B) the impact and effectiveness of inter-
9 national cooperation on ending the use and op-
10 eration of wildlife markets;

11 (C) the impact and effectiveness of inter-
12 national cooperation on ending wildlife traf-
13 ficking associated with wildlife markets; and

14 (D) the impact and effectiveness of inter-
15 national cooperation on ending the international
16 trade in live terrestrial wildlife for human con-
17 sumption as food or medicine.

18 (2) UNITED STATES AGENCY FOR INTER-
19 NATIONAL DEVELOPMENT.—Not later than 180 days
20 after the date of the enactment of this Act, the Ad-
21 ministrator of the United States Agency for Inter-
22 national Development shall submit to the appro-
23 priate congressional committees a report—

24 (A) describing the actions taken pursuant
25 to this Act;

1 (B) describing the impact and effectiveness
2 of reducing demand for consumption of wildlife
3 and associated wildlife markets;

4 (C) summarizing additional personnel
5 hired with funding authorized under this Act,
6 including the number hired in each bureau; and

7 (D) describing partnerships developed with
8 other institutions of higher learning and non-
9 governmental organizations.

10 **TITLE LXII—DEPARTMENT OF**
11 **HOMELAND SECURITY MEAS-**
12 **URES**

13 **Subtitle A—DHS Headquarters, Re-**
14 **search and Development, and**
15 **Related Matters**

16 **SEC. 6201. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-**
17 **ITIES.**

18 Section 704 of the Homeland Security Act of 2002
19 (6 U.S.C. 344) is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) by inserting “, including with re-
23 spect to leader development and employee
24 engagement,” after “policies”;

1 (ii) by striking “and in line” and in-
2 serting “, in line”; and

3 (iii) by inserting “and informed by
4 best practices within the Federal Govern-
5 ment and the private sector,” after “prior-
6 ities,”;

7 (B) in paragraph (2), by striking “develop
8 performance measures to provide a basis for
9 monitoring and evaluating” and inserting “use
10 performance measures to evaluate, on an ongo-
11 ing basis,”;

12 (C) in paragraph (3), by inserting “that,
13 to the extent practicable, are informed by em-
14 ployee feedback” after “policies”;

15 (D) in paragraph (4), by inserting “includ-
16 ing leader development and employee engage-
17 ment programs,” before “in coordination”;

18 (E) in paragraph (5), by inserting before
19 the semicolon at the end the following: “that is
20 informed by an assessment, carried out by the
21 Chief Human Capital Officer, of the learning
22 and developmental needs of employees in super-
23 visory and nonsupervisory roles across the De-
24 partment and appropriate workforce planning
25 initiatives”;

1 (F) by redesignating paragraphs (9) and
2 (10) as paragraphs (13) and (14), respectively;
3 and

4 (G) by inserting after paragraph (8) the
5 following new paragraphs:

6 “(9) maintain a catalogue of available employee
7 development opportunities, including the Homeland
8 Security Rotation Program pursuant to section 844,
9 departmental leadership development programs,
10 interagency development programs, and other rota-
11 tional programs;

12 “(10) ensure that employee discipline and ad-
13 verse action programs comply with the requirements
14 of all pertinent laws, rules, regulations, and Federal
15 guidance, and ensure due process for employees;

16 “(11) analyze each Department or Government-
17 wide Federal workforce satisfaction or morale survey
18 not later than 90 days after the date of the publica-
19 tion of each such survey and submit to the Secretary
20 such analysis, including, as appropriate, rec-
21 ommendations to improve workforce satisfaction or
22 morale within the Department;

23 “(12) review and approve all component em-
24 ployee engagement action plans to ensure such plans
25 include initiatives responsive to the root cause of em-

1 employee engagement challenges, as well as outcome-
2 based performance measures and targets to track
3 the progress of such initiatives;”;

4 (2) by redesignating subsections (d) and (e) as
5 subsections (e) and (f), respectively;

6 (3) by inserting after subsection (c) the fol-
7 lowing new subsection:

8 “(d) CHIEF LEARNING AND ENGAGEMENT OFFI-
9 CER.—The Chief Human Capital Officer may designate
10 an employee of the Department to serve as a Chief Learn-
11 ing and Engagement Officer to assist the Chief Human
12 Capital Officer in carrying out this section.”; and

13 (4) in subsection (e), as so redesignated—

14 (A) by redesignating paragraphs (2), (3),
15 and (4) as paragraphs (5), (6), and (7), respec-
16 tively; and

17 (B) by inserting after paragraph (1) the
18 following new paragraphs:

19 “(2) information on employee development op-
20 portunities catalogued pursuant to paragraph (9) of
21 subsection (b) and any available data on participa-
22 tion rates, attrition rates, and impacts on retention
23 and employee satisfaction;

1 “(3) information on the progress of Depart-
2 mentwide strategic workforce planning efforts as de-
3 termined under paragraph (2) of subsection (b);

4 “(4) information on the activities of the steer-
5 ing committee established pursuant to section
6 711(a), including the number of meetings, types of
7 materials developed and distributed, and rec-
8 ommendations made to the Secretary;”.

9 **SEC. 6202. EMPLOYEE ENGAGEMENT STEERING COM-**
10 **MITTEE AND ACTION PLAN.**

11 (a) IN GENERAL.—Title VII of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
13 adding at the end the following new section:

14 **“SEC. 711. EMPLOYEE ENGAGEMENT.**

15 “(a) STEERING COMMITTEE.—Not later than 120
16 days after the date of the enactment of this section, the
17 Secretary shall establish an employee engagement steering
18 committee, including representatives from operational
19 components, headquarters, and field personnel, including
20 supervisory and nonsupervisory personnel, and employee
21 labor organizations that represent Department employees,
22 and chaired by the Under Secretary for Management, to
23 carry out the following activities:

24 “(1) Identify factors that have a negative im-
25 pact on employee engagement, morale, and commu-

1 communications within the Department, such as percep-
2 tions about limitations on career progression, mobil-
3 ity, or development opportunities, collected through
4 employee feedback platforms, including through an-
5 nual employee surveys, questionnaires, and other
6 communications, as appropriate.

7 “(2) Identify, develop, and distribute initiatives
8 and best practices to improve employee engagement,
9 morale, and communications within the Department,
10 including through annual employee surveys, ques-
11 tionnaires, and other communications, as appro-
12 priate.

13 “(3) Monitor efforts of each component to ad-
14 dress employee engagement, morale, and commu-
15 nications based on employee feedback provided
16 through annual employee surveys, questionnaires,
17 and other communications, as appropriate.

18 “(4) Advise the Secretary on efforts to improve
19 employee engagement, morale, and communications
20 within specific components and across the Depart-
21 ment.

22 “(5) Conduct regular meetings and report, not
23 less than once per quarter, to the Under Secretary
24 for Management, the head of each component, and

1 the Secretary on Departmentwide efforts to improve
2 employee engagement, morale, and communications.

3 “(b) ACTION PLAN; REPORTING.—The Secretary,
4 acting through the Chief Human Capital Officer, shall—

5 “(1) not later than 120 days after the date of
6 the establishment of the employee engagement steer-
7 ing committee under subsection (a), issue a Depart-
8 mentwide employee engagement action plan, reflect-
9 ing input from the steering committee and employee
10 feedback provided through annual employee surveys,
11 questionnaires, and other communications in accord-
12 ance with paragraph (1) of such subsection, to exe-
13 cute strategies to improve employee engagement,
14 morale, and communications within the Department;
15 and

16 “(2) require the head of each component to—

17 “(A) develop and implement a component-
18 specific employee engagement plan to advance
19 the action plan required under paragraph (1)
20 that includes performance measures and objec-
21 tives, is informed by employee feedback pro-
22 vided through annual employee surveys, ques-
23 tionnaires, and other communications, as appro-
24 priate, and sets forth how employees and, where
25 applicable, their labor representatives are to be

1 integrated in developing programs and initia-
2 tives;

3 “(B) monitor progress on implementation
4 of such action plan; and

5 “(C) provide to the Chief Human Capital
6 Officer and the steering committee quarterly re-
7 ports on actions planned and progress made
8 under this paragraph.

9 “(c) NONAPPLICABILITY OF FACCA.—The Federal
10 Advisory Committee Act (5 U.S.C. App.) shall not apply
11 to the steering committee and its subcommittees.

12 “(d) TERMINATION.—This section shall terminate on
13 the date that is five years after the date of the enactment
14 of this section.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002 is
17 amended by inserting after the item relating to section
18 710 the following new item:

“Sec. 711. Employee engagement.”.

19 (c) SUBMISSIONS TO CONGRESS.—

20 (1) DEPARTMENTWIDE EMPLOYEE ENGAGE-
21 MENT ACTION PLAN.—The Secretary of Homeland
22 Security, acting through the Chief Human Capital
23 Officer of the Department of Homeland Security,
24 shall submit to the Committee on Homeland Secu-
25 rity of the House of Representatives and the Com-

1 committee on Homeland Security and Governmental Af-
2 fairs of the Senate the Departmentwide employee
3 engagement action plan required under subsection
4 (b)(1) of section 711 of the Homeland Security Act
5 of 2002 (as added by subsection (a) of this section)
6 not later than 30 days after the issuance of such
7 plan under such subsection (b)(1).

8 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-
9 MENT PLANS.—Each head of a component of the
10 Department of Homeland Security shall submit to
11 the Committee on Homeland Security of the House
12 of Representatives and the Committee on Homeland
13 Security and Governmental Affairs of the Senate the
14 component-specific employee engagement plan of
15 each such component required under subsection
16 (b)(2) of section 711 of the Homeland Security Act
17 of 2002 not later than 30 days after the issuance of
18 each such plan under such subsection (b)(2).

19 **SEC. 6203. ANNUAL EMPLOYEE AWARD PROGRAM.**

20 (a) IN GENERAL.—Title VII of the Homeland Secu-
21 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by
22 section 5302 of this Act, is further amended by adding
23 at the end the following new section:

1 **“SEC. 712. ANNUAL EMPLOYEE AWARD PROGRAM.**

2 “(a) IN GENERAL.—The Secretary may establish an
3 annual employee award program to recognize Department
4 employees or groups of employees for significant contribu-
5 tions to the achievement of the Department’s goals and
6 missions. If such a program is established, the Secretary
7 shall—

8 “(1) establish within such program categories
9 of awards, each with specific criteria, that emphasize
10 honoring employees who are at the nonsupervisory
11 level;

12 “(2) publicize within the Department how any
13 employee or group of employees may be nominated
14 for an award;

15 “(3) establish an internal review board com-
16 prised of representatives from Department compo-
17 nents, headquarters, and field personnel to submit to
18 the Secretary award recommendations regarding
19 specific employees or groups of employees;

20 “(4) select recipients from the pool of nominees
21 submitted by the internal review board under para-
22 graph (3) and convene a ceremony at which employ-
23 ees or groups of employees receive such awards from
24 the Secretary; and

25 “(5) publicize such program within the Depart-
26 ment.

1 similar disciplinary outcomes across the Department for
2 misconduct by a nonsupervisory or supervisor employee
3 who engaged in the same or substantially similar mis-
4 conduct.

5 (b) CONSULTATION.—In carrying out the investiga-
6 tion described in subsection (a), the Comptroller General
7 of the United States shall consult with the Under Sec-
8 retary for Management of the Department of Homeland
9 Security and the employee engagement steering committee
10 established pursuant to subsection (b)(1) of section 711
11 of the Homeland Security Act of 2002 (as added by sec-
12 tion 5302(a) of this Act).

13 (c) ACTION BY UNDER SECRETARY FOR MANAGE-
14 MENT.—Upon completion of the investigation described in
15 subsection (a), the Under Secretary for Management of
16 the Department of Homeland Security shall review the
17 findings and recommendations of such investigation and
18 implement a plan, in consultation with the employee en-
19 gagement steering committee established pursuant to sub-
20 section (b)(1) of section 711 of the Homeland Security
21 Act of 2002, to correct any relevant deficiencies identified
22 by the Comptroller General of the United States in such
23 investigation. The Under Secretary for Management shall
24 direct the employee engagement steering committee to re-

1 view such plan to inform committee activities and action
2 plans authorized under such section 711.

3 **SEC. 6205. IMPACTS OF SHUTDOWN.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Secretary of Homeland Security shall
6 report to the Committee on Homeland Security of the
7 House of Representatives and the Committee on Home-
8 land Security and Governmental Affairs of the Senate re-
9 garding the direct and indirect impacts of the lapse in ap-
10 propriations between December 22, 2018, and January
11 25, 2019, on—

12 (1) Department of Homeland Security human
13 resources operations;

14 (2) the Department’s ability to meet hiring
15 benchmarks; and

16 (3) retention, attrition, and morale of Depart-
17 ment personnel.

18 **SEC. 6206. TECHNICAL CORRECTIONS TO QUADRENNIAL**

19 **HOMELAND SECURITY REVIEW.**

20 (a) IN GENERAL.—Section 707 of the Homeland Se-
21 curity Act of 2002 (6 U.S.C. 347) is amended—

22 (1) in subsection (a)(3)—

23 (A) in subparagraph (B), by striking
24 “and” after the semicolon at the end;

1 (B) by redesignating subparagraph (C) as
2 subparagraph (D); and

3 (C) by inserting after subparagraph (B)
4 the following new subparagraph:

5 “(C) representatives from appropriate ad-
6 visory committees established pursuant to sec-
7 tion 871, including the Homeland Security Ad-
8 visory Council and the Homeland Security
9 Science and Technology Advisory Committee, or
10 otherwise established, including the Aviation
11 Security Advisory Committee established pursu-
12 ant to section 44946 of title 49, United States
13 Code; and”;

14 (2) in subsection (b)—

15 (A) in paragraph (2), by inserting before
16 the semicolon at the end the following: “based
17 on the risk assessment required pursuant to
18 subsection (c)(2)(B)”;

19 (B) in paragraph (3)—

20 (i) by inserting “, to the extent prac-
21 ticable,” after “describe”; and

22 (ii) by striking “budget plan” and in-
23 serting “resources required”;

24 (C) in paragraph (4)—

1 (i) by inserting “, to the extent prac-
2 ticable,” after “identify”;

3 (ii) by striking “budget plan required
4 to provide sufficient resources to success-
5 fully” and inserting “resources required
6 to”; and

7 (iii) by striking the semicolon at the
8 end and inserting the following: “, includ-
9 ing any resources identified from redun-
10 dant, wasteful, or unnecessary capabilities
11 or capacities that may be redirected to bet-
12 ter support other existing capabilities or
13 capacities, as the case may be; and”;

14 (D) in paragraph (5), by striking “; and”
15 and inserting a period; and

16 (E) by striking paragraph (6);

17 (3) in subsection (c)—

18 (A) in paragraph (1), by striking “Decem-
19 ber 31 of the year” and inserting “60 days
20 after the date of the submission of the Presi-
21 dent’s budget for the fiscal year after the fiscal
22 year”;

23 (B) in paragraph (2)—

- 1 (i) in subparagraph (B), by striking
2 “description of the threats to” and insert-
3 ing “risk assessment of”;
- 4 (ii) in subparagraph (C), by inserting
5 “, as required under subsection (b)(2)” be-
6 fore the semicolon at the end;
- 7 (iii) in subparagraph (D)—
- 8 (I) by inserting “to the extent
9 practicable,” before “a description”;
10 and
- 11 (II) by striking “budget plan”
12 and inserting “resources required”;
- 13 (iv) in subparagraph (F)—
- 14 (I) by inserting “to the extent
15 practicable,” before “a discussion”;
16 and
- 17 (II) by striking “the status of”;
- 18 (v) in subparagraph (G)—
- 19 (I) by inserting “to the extent
20 practicable,” before “a discussion”;
- 21 (II) by striking “the status of”;
- 22 (III) by inserting “and risks” be-
23 fore “to national homeland”; and
- 24 (IV) by inserting “and” after the
25 semicolon at the end;

1 (vi) by striking subparagraph (H);

2 and

3 (vii) by redesignating subparagraph

4 (I) as subparagraph (H);

5 (C) by redesignating paragraph (3) as

6 paragraph (4); and

7 (D) by inserting after paragraph (2) the

8 following new paragraph:

9 “(3) DOCUMENTATION.—The Secretary shall
10 retain and, upon request, provide to Congress the
11 following documentation regarding each quadrennial
12 homeland security review:

13 “(A) Records regarding the consultation
14 carried out pursuant to subsection (a)(3), in-
15 cluding the following:

16 “(i) All written communications, in-
17 cluding communications sent out by the
18 Secretary and feedback submitted to the
19 Secretary through technology, online com-
20 munications tools, in-person discussions,
21 and the interagency process.

22 “(ii) Information on how feedback re-
23 ceived by the Secretary informed each such
24 quadrennial homeland security review.

1 “(B) Information regarding the risk as-
2 sessment required pursuant to subsection
3 (c)(2)(B), including the following:

4 “(i) The risk model utilized to gen-
5 erate such risk assessment.

6 “(ii) Information, including data used
7 in the risk model, utilized to generate such
8 risk assessment.

9 “(iii) Sources of information, includ-
10 ing other risk assessments, utilized to gen-
11 erate such risk assessment.

12 “(iv) Information on assumptions,
13 weighing factors, and subjective judgments
14 utilized to generate such risk assessment,
15 together with information on the rationale
16 or basis thereof.”;

17 (4) by redesignating subsection (d) as sub-
18 section (e); and

19 (5) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) REVIEW.—Not later than 90 days after the sub-
22 mission of each report required under subsection (c)(1),
23 the Secretary shall provide to the Committee on Homeland
24 Security of the House of Representatives and the Com-
25 mittee on Homeland Security and Governmental Affairs

1 of the Senate information on the degree to which the find-
2 ings and recommendations developed in the quadrennial
3 homeland security review that is the subject of such report
4 were integrated into the acquisition strategy and expendi-
5 ture plans for the Department.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to a quadrennial
8 homeland security review conducted after December 31,
9 2021.

10 **SEC. 6207. AUTHORIZATION OF THE ACQUISITION PROFES-**
11 **SIONAL CAREER PROGRAM.**

12 (a) IN GENERAL.—Title VII of the Homeland Secu-
13 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by
14 section 5304 of this Act, is further amended by adding
15 at the end the following new section:

16 **“SEC. 713. ACQUISITION PROFESSIONAL CAREER PRO-**
17 **GRAM.**

18 “(a) ESTABLISHMENT.—There is established in the
19 Department an acquisition professional career program to
20 develop a cadre of acquisition professionals within the De-
21 partment.

22 “(b) ADMINISTRATION.—The Under Secretary for
23 Management shall administer the acquisition professional
24 career program established pursuant to subsection (a).

1 “(c) PROGRAM REQUIREMENTS.—The Under Sec-
2 retary for Management shall carry out the following with
3 respect to the acquisition professional career program.

4 “(1) Designate the occupational series, grades,
5 and number of acquisition positions throughout the
6 Department to be included in the program and man-
7 age centrally such positions.

8 “(2) Establish and publish on the Department’s
9 website eligibility criteria for candidates to partici-
10 pate in the program.

11 “(3) Carry out recruitment efforts to attract
12 candidates—

13 “(A) from institutions of higher education,
14 including such institutions with established ac-
15 quisition specialties and courses of study, his-
16 torically Black colleges and universities, and
17 Hispanic-serving institutions;

18 “(B) with diverse work experience outside
19 of the Federal Government; or

20 “(C) with military service.

21 “(4) Hire eligible candidates for designated po-
22 sitions under the program.

23 “(5) Develop a structured program comprised
24 of acquisition training, on-the-job experience, De-
25 partmentwide rotations, mentorship, shadowing, and

1 other career development opportunities for program
2 participants.

3 “(6) Provide, beyond required training estab-
4 lished for program participants, additional special-
5 ized acquisition training, including small business
6 contracting and innovative acquisition techniques
7 training.

8 “(d) REPORTS.—Not later than December 31, 2021,
9 and annually thereafter through 2027, the Secretary shall
10 submit to the Committee on Homeland Security of the
11 House of Representatives and the Committee on Home-
12 land Security and Governmental Affairs of the Senate a
13 report on the acquisition professional career program.
14 Each such report shall include the following information:

15 “(1) The number of candidates approved for
16 the program.

17 “(2) The number of candidates who commenced
18 participation in the program, including generalized
19 information on such candidates’ backgrounds with
20 respect to education and prior work experience, but
21 not including personally identifiable information.

22 “(3) A breakdown of the number of partici-
23 pants hired under the program by type of acquisition
24 position.

1 “(4) A list of Department components and of-
2 fices that participated in the program and informa-
3 tion regarding length of time of each program par-
4 ticipant in each rotation at such components or of-
5 fices.

6 “(5) Program attrition rates and postprogram
7 graduation retention data, including information on
8 how such data compare to the prior year’s data, as
9 available.

10 “(6) The Department’s recruiting efforts for
11 the program.

12 “(7) The Department’s efforts to promote re-
13 tention of program participants.

14 “(e) DEFINITIONS.—In this section:

15 “(1) HISPANIC-SERVING INSTITUTION.—The
16 term ‘Hispanic-serving institution’ has the meaning
17 given such term in section 502 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1101a).

19 “(2) HISTORICALLY BLACK COLLEGES AND
20 UNIVERSITIES.—The term ‘historically Black col-
21 leges and universities’ has the meaning given the
22 term ‘part B institution’ in section 322(2) of Higher
23 Education Act of 1965 (20 U.S.C. 1061(2)).

24 “(3) INSTITUTION OF HIGHER EDUCATION.—
25 The term ‘institution of higher education’ has the

1 meaning given such term in section 101 of the High-
2 er Education Act of 1965 (20 U.S.C. 1001).”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002, as
5 amended by section 5403 of this Act, is further amended
6 by inserting after the item relating to section 712 the fol-
7 lowing new item:

“Sec. 713. Acquisition professional career program.”.

8 **SEC. 6208. NATIONAL URBAN SECURITY TECHNOLOGY LAB-**
9 **ORATORY.**

10 (a) IN GENERAL.—Title III of the Homeland Secu-
11 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
12 adding at the end the following new section:

13 **“SEC. 322. NATIONAL URBAN SECURITY TECHNOLOGY LAB-**
14 **ORATORY.**

15 “(a) IN GENERAL.—The Secretary, acting through
16 the Under Secretary for Science and Technology, shall
17 designate the laboratory described in subsection (b) as an
18 additional laboratory pursuant to the authority under sec-
19 tion 308(c)(2). Such laboratory shall be used to test and
20 evaluate emerging technologies and conduct research and
21 development to assist emergency response providers in
22 preparing for, and protecting against, threats of terrorism.

23 “(b) LABORATORY DESCRIBED.—The laboratory de-
24 scribed in this subsection is the laboratory—

1 “(1) known, as of the date of the enactment of
2 this section, as the National Urban Security Tech-
3 nology Laboratory; and

4 “(2) transferred to the Department pursuant to
5 section 303(1)(E).

6 “(c) LABORATORY ACTIVITIES.—The National Urban
7 Security Technology Laboratory shall—

8 “(1) conduct tests, evaluations, and assess-
9 ments of current and emerging technologies, includ-
10 ing, as appropriate, the cybersecurity of such tech-
11 nologies that can connect to the internet, for emer-
12 gency response providers;

13 “(2) act as a technical advisor to emergency re-
14 sponse providers; and

15 “(3) carry out other such activities as the Sec-
16 retary determines appropriate.

17 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed as affecting in any manner the au-
19 thorities or responsibilities of the Countering Weapons of
20 Mass Destruction Office of the Department.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Homeland Security Act of 2002, as
23 amended by section 5407 of this Act, is further amended
24 by inserting after the item relating to section 321 the fol-
25 lowing new item:

“Sec. 322. National Urban Security Technology Laboratory.”.

1 **SEC. 6209. DEPARTMENT OF HOMELAND SECURITY BLUE**
2 **CAMPAIGN ENHANCEMENT.**

3 Section 434 of the Homeland Security Act of 2002
4 (6 U.S.C. 242) is amended—

5 (1) in subsection (e)(6), by striking “utilizing
6 resources,” and inserting “developing and utilizing,
7 in consultation with the Advisory Board established
8 pursuant to subsection (g), resources”; and

9 (2) by adding at the end the following new sub-
10 sections:

11 “(f) **WEB-BASED TRAINING PROGRAMS.**—To en-
12 hance training opportunities, the Director of the Blue
13 Campaign shall develop web-based interactive training vid-
14 eos that utilize a learning management system to provide
15 online training opportunities that shall be made available
16 to the following individuals:

17 “(1) Federal, State, local, Tribal, and territorial
18 law enforcement officers.

19 “(2) Non-Federal correction system personnel.

20 “(3) Such other individuals as the Director de-
21 termines appropriate.

22 “(g) **BLUE CAMPAIGN ADVISORY BOARD.**—

23 “(1) **IN GENERAL.**—The Secretary shall estab-
24 lish within the Department a Blue Campaign Advi-
25 sory Board and shall assign to such Board a rep-
26 resentative from each of the following components:

1 “(A) The Transportation Security Admin-
2 istration.

3 “(B) U.S. Customs and Border Protection.

4 “(C) U.S. Immigration and Customs En-
5 forcement.

6 “(D) The Federal Law Enforcement
7 Training Center.

8 “(E) The United States Secret Service.

9 “(F) The Office for Civil Rights and Civil
10 Liberties.

11 “(G) The Privacy Office.

12 “(H) Any other components or offices the
13 Secretary determines appropriate.

14 “(2) CHARTER.—The Secretary is authorized to
15 issue a charter for the Board, and such charter shall
16 specify the following:

17 “(A) The Board’s mission, goals, and
18 scope of its activities.

19 “(B) The duties of the Board’s representa-
20 tives.

21 “(C) The frequency of the Board’s meet-
22 ings.

23 “(3) CONSULTATION.—The Director shall con-
24 sult the Board established pursuant to paragraph
25 (1) regarding the following:

1 “(A) Recruitment tactics used by human
2 traffickers to inform the development of train-
3 ing and materials by the Blue Campaign.

4 “(B) The development of effective aware-
5 ness tools for distribution to Federal and non-
6 Federal officials to identify and prevent in-
7 stances of human trafficking.

8 “(C) Identification of additional persons or
9 entities that may be uniquely positioned to rec-
10 ognize signs of human trafficking and the devel-
11 opment of materials for such persons.

12 “(4) APPLICABILITY.—The Federal Advisory
13 Committee Act (5 U.S.C. App.) does not apply to—

14 “(A) the Board; or

15 “(B) consultations under paragraph (2).

16 “(h) CONSULTATION.—With regard to the develop-
17 ment of programs under the Blue Campaign and the im-
18 plementation of such programs, the Director is authorized
19 to consult with State, local, Tribal, and territorial agen-
20 cies, nongovernmental organizations, private sector orga-
21 nizations, and experts. Such consultation shall be exempt
22 from the Federal Advisory Committee Act (5 U.S.C.
23 App.).”.

1 **SEC. 6210. DEPARTMENT OF HOMELAND SECURITY MEN-**
2 **TOR-PROTÉGÉ PROGRAM.**

3 (a) IN GENERAL.—Subtitle H of title VIII of the
4 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
5 is amended by adding at the end the following new section:

6 **“SEC. 890B. MENTOR-PROTÉGÉ PROGRAM.**

7 “(a) ESTABLISHMENT.—There is established in the
8 Department a mentor-protégé program (in this section re-
9 ferred to as the ‘Program’) under which a mentor firm
10 enters into an agreement with a protégé firm for the pur-
11 pose of assisting the protégé firm to compete for prime
12 contracts and subcontracts of the Department.

13 “(b) ELIGIBILITY.—The Secretary shall establish cri-
14 teria for mentor firms and protégé firms to be eligible to
15 participate in the Program, including a requirement that
16 a firm is not included on any list maintained by the Fed-
17 eral Government of contractors that have been suspended
18 or debarred.

19 “(c) PROGRAM APPLICATION AND APPROVAL.—

20 “(1) APPLICATION.—The Secretary, acting
21 through the Office of Small and Disadvantaged
22 Business Utilization of the Department, shall estab-
23 lish a process for submission of an application joint-
24 ly by a mentor firm and the protégé firm selected by
25 the mentor firm. The application shall include each
26 of the following:

1 “(A) A description of the assistance to be
2 provided by the mentor firm, including, to the
3 extent available, the number and a brief de-
4 scription of each anticipated subcontract to be
5 awarded to the protégé firm.

6 “(B) A schedule with milestones for
7 achieving the assistance to be provided over the
8 period of participation in the Program.

9 “(C) An estimate of the costs to be in-
10 curred by the mentor firm for providing assist-
11 ance under the Program.

12 “(D) Attestations that Program partici-
13 pants will submit to the Secretary reports at
14 times specified by the Secretary to assist the
15 Secretary in evaluating the protégé firm’s devel-
16 opmental progress.

17 “(E) Attestations that Program partici-
18 pants will inform the Secretary in the event of
19 a change in eligibility or voluntary withdrawal
20 from the Program.

21 “(2) APPROVAL.—Not later than 60 days after
22 receipt of an application pursuant to paragraph (1),
23 the head of the Office of Small and Disadvantaged
24 Business Utilization shall notify applicants of ap-

1 proval or, in the case of disapproval, the process for
2 resubmitting an application for reconsideration.

3 “(3) RESCISSION.—The head of the Office of
4 Small and Disadvantaged Business Utilization may
5 rescind the approval of an application under this
6 subsection if it determines that such action is in the
7 best interest of the Department.

8 “(d) PROGRAM DURATION.—A mentor firm and
9 protégé firm approved under subsection (c) shall enter into
10 an agreement to participate in the Program for a period
11 of not less than 36 months.

12 “(e) PROGRAM BENEFITS.—A mentor firm and
13 protégé firm that enter into an agreement under sub-
14 section (d) may receive the following Program benefits:

15 “(1) With respect to an award of a contract
16 that requires a subcontracting plan, a mentor firm
17 may receive evaluation credit for participating in the
18 Program.

19 “(2) With respect to an award of a contract
20 that requires a subcontracting plan, a mentor firm
21 may receive credit for a protégé firm performing as
22 a first-tier subcontractor or a subcontractor at any
23 tier in an amount equal to the total dollar value of
24 any subcontracts awarded to such protégé firm.

1 “(3) A protégé firm may receive technical, man-
2 anagerial, financial, or any other mutually agreed upon
3 benefit from a mentor firm, including a subcontract
4 award.

5 “(f) REPORTING.—Not later than one year after the
6 date of the enactment of this Act, and annually thereafter,
7 the head of the Office of Small and Disadvantaged Busi-
8 ness Utilization shall submit to the Committee on Home-
9 land Security and Governmental Affairs and the Com-
10 mittee on Small Business and Entrepreneurship of the
11 Senate and the Committee on Homeland Security and the
12 Committee on Small Business of the House of Representa-
13 tives a report that—

14 “(1) identifies each agreement between a men-
15 tor firm and a protégé firm entered into under this
16 section, including the number of protégé firm par-
17 ticipants that are—

18 “(A) small business concerns;

19 “(B) small business concerns owned and
20 controlled by veterans;

21 “(C) small business concerns owned and
22 controlled by service-disabled veterans;

23 “(D) qualified HUBZone small business
24 concerns;

1 “(E) small business concerns owned and
2 controlled by socially and economically dis-
3 advantaged individuals;

4 “(F) small business concerns owned and
5 controlled by women;

6 “(G) historically Black colleges and univer-
7 sities; and

8 “(H) minority institutions of higher edu-
9 cation;

10 “(2) describes the type of assistance provided
11 by mentor firms to protégé firms;

12 “(3) identifies contracts within the Department
13 in which a mentor firm serving as the prime con-
14 tractor provided subcontracts to a protégé firm
15 under the Program; and

16 “(4) assesses the degree to which there has
17 been—

18 “(A) an increase in the technical capabili-
19 ties of protégé firms; and

20 “(B) an increase in the quantity and esti-
21 mated value of prime contract and subcontract
22 awards to protégé firms for the period covered
23 by the report.

24 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion may be construed to limit, diminish, impair, or other-

1 wise affect the authority of the Department to participate
2 in any program carried out by or requiring approval of
3 the Small Business Administration or adopt or follow any
4 regulation or policy that the Administrator of the Small
5 Business Administration may promulgate, except that, to
6 the extent that any provision of this section (including
7 subsection (h)) conflicts with any other provision of law,
8 regulation, or policy, this section shall control.

9 “(h) DEFINITIONS.—In this section:

10 “(1) HISTORICALLY BLACK COLLEGE OR UNI-
11 VERSITY.—The term ‘historically Black college or
12 university’ means any of the historically Black col-
13 leges and universities referred to in section 2323 of
14 title 10, United States Code, as in effect on March
15 1, 2018.

16 “(2) MENTOR FIRM.—The term ‘mentor firm’
17 means a for-profit business concern that is not a
18 small business concern that—

19 “(A) has the ability to assist and commits
20 to assisting a protégé firm to compete for Fed-
21 eral prime contracts and subcontracts; and

22 “(B) satisfies any other requirements im-
23 posed by the Secretary.

24 “(3) MINORITY INSTITUTION OF HIGHER EDU-
25 CATION.—The term ‘minority institution of higher

1 education’ means an institution of higher education
2 with a student body that reflects the composition
3 specified in section 312(b) of the Higher Education
4 Act of 1965 (20 U.S.C. 1058(b)).

5 “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’
6 means a small business concern, a historically Black
7 college or university, or a minority institution of
8 higher education that—

9 “(A) is eligible to enter into a prime con-
10 tract or subcontract with the Department; and

11 “(B) satisfies any other requirements im-
12 posed by the Secretary.

13 “(5) SMALL BUSINESS ACT DEFINITIONS.—The
14 terms ‘small business concern’, ‘small business con-
15 cern owned and controlled by veterans’, ‘small busi-
16 ness concern owned and controlled by service-dis-
17 abled veterans’, ‘qualified HUBZone small business
18 concern’, and ‘small business concern owned and
19 controlled by women’ have the meanings given such
20 terms, respectively, under section 3 of the Small
21 Business Act (15 U.S.C. 632). The term ‘small busi-
22 ness concern owned and controlled by socially and
23 economically disadvantaged individuals’ has the
24 meaning given such term in section 8(d)(3)(C) of
25 the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002, as
3 amended by section 5408 of this Act, is further amended
4 by inserting after the item relating to section 890A the
5 following new item:

“Sec. 890B. Mentor-protégé program.”.

6 **SEC. 6211. MEDICAL COUNTERMEASURES PROGRAM.**

7 (a) IN GENERAL.—Subtitle C of title XIX of the
8 Homeland Security Act of 2002 (6 U.S.C. 311 et seq.)
9 is amended by adding at the end the following new section:

10 **“SEC. 1932. MEDICAL COUNTERMEASURES.**

11 “(a) IN GENERAL.—The Secretary shall establish a
12 medical countermeasures program to facilitate personnel
13 readiness, and protection for the Department’s employees
14 and working animals in the event of a chemical, biological,
15 radiological, nuclear, or explosives attack, naturally occur-
16 ring disease outbreak, or pandemic, and to support De-
17 partment mission continuity.

18 “(b) OVERSIGHT.—The Chief Medical Officer of the
19 Department shall provide programmatic oversight of the
20 medical countermeasures program established pursuant to
21 subsection (a), and shall—

22 “(1) develop Departmentwide standards for
23 medical countermeasure storage, security, dis-
24 pensing, and documentation;

1 “(2) maintain a stockpile of medical counter-
2 measures, including antibiotics, antivirals, and radio-
3 logical countermeasures, as appropriate;

4 “(3) preposition appropriate medical counter-
5 measures in strategic locations nationwide, based on
6 threat and employee density, in accordance with ap-
7 plicable Federal statutes and regulations;

8 “(4) provide oversight and guidance regarding
9 the dispensing of stockpiled medical counter-
10 measures;

11 “(5) ensure rapid deployment and dispensing of
12 medical countermeasures in a chemical, biological,
13 radiological, nuclear, or explosives attack, naturally
14 occurring disease outbreak, or pandemic;

15 “(6) provide training to Department employees
16 on medical countermeasure dispensing; and

17 “(7) support dispensing exercises.

18 “(c) MEDICAL COUNTERMEASURES WORKING
19 GROUP.—The Chief Medical Officer shall establish a med-
20 ical countermeasures working group comprised of rep-
21 resentatives from appropriate components and offices of
22 the Department to ensure that medical countermeasures
23 standards are maintained and guidance is consistent.

24 “(d) MEDICAL COUNTERMEASURES MANAGE-
25 MENT.—Not later than 120 days after the date of the en-

1 actment of this section, the Chief Medical Officer shall de-
2 velop and submit to the Secretary an integrated logistics
3 support plan for medical countermeasures, including—

4 “(1) a methodology for determining the ideal
5 types and quantities of medical countermeasures to
6 stockpile and how frequently such methodology shall
7 be reevaluated;

8 “(2) a replenishment plan; and

9 “(3) inventory tracking, reporting, and rec-
10 onciliation procedures for existing stockpiles and
11 new medical countermeasure purchases.

12 “(e) STOCKPILE ELEMENTS.—In determining the
13 types and quantities of medical countermeasures to stock-
14 pile under subsection (d), the Chief Medical Officer shall
15 utilize, if available—

16 “(1) Department chemical, biological, radio-
17 logical, and nuclear risk assessments; and

18 “(2) Centers for Disease Control and Preven-
19 tion guidance on medical countermeasures.

20 “(f) REPORT.—Not later than 180 days after the
21 date of the enactment of this section, the Secretary shall
22 submit to the Committee on Homeland Security of the
23 House of Representatives and the Committee on Home-
24 land Security and Governmental Affairs of the Senate the
25 plan developed in accordance with subsection (d) and brief

1 such Committees regarding implementing the require-
2 ments of this section.

3 “(g) DEFINITION.—In this section, the term ‘medical
4 countermeasures’ means antibiotics, antivirals, radio-
5 logical countermeasures, and other countermeasures that
6 may be deployed to protect the Department’s employees
7 and working animals in the event of a chemical, biological,
8 radiological, nuclear, or explosives attack, naturally occur-
9 ring disease outbreak, or pandemic.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of the Homeland Security Act of 2002, as
12 amended by section 5410 of this Act, is further amended
13 by inserting after the item relating to section 1931 the
14 following new item:

“Sec. 1932. Medical countermeasures.”.

15 **SEC. 6212. CRITICAL DOMAIN RESEARCH AND DEVELOP-**
16 **MENT.**

17 (a) IN GENERAL.—Subtitle H of title VIII of the
18 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.),
19 as amended by section 5310 of this Act, is further amend-
20 ed by adding at the end the following new section:

21 **“SEC. 890C. HOMELAND SECURITY CRITICAL DOMAIN RE-**
22 **SEARCH AND DEVELOPMENT.**

23 “(a) IN GENERAL.—

1 “(1) RESEARCH AND DEVELOPMENT.—The
2 Secretary is authorized to conduct research and de-
3 velopment to—

4 “(A) identify United States critical do-
5 mains for economic security and homeland se-
6 curity; and

7 “(B) evaluate the extent to which disrup-
8 tion, corruption, exploitation, or dysfunction of
9 any of such domain poses a substantial threat
10 to homeland security.

11 “(2) REQUIREMENTS.—

12 “(A) RISK ANALYSIS OF CRITICAL DO-
13 MAINS.—The research under paragraph (1)
14 shall include a risk analysis of each identified
15 United States critical domain for economic se-
16 curity to determine the degree to which there
17 exists a present or future threat to homeland
18 security in the event of disruption, corruption,
19 exploitation, or dysfunction to such domain.
20 Such research shall consider, to the extent pos-
21 sible, the following:

22 “(i) The vulnerability and resilience of
23 relevant supply chains.

24 “(ii) Foreign production, processing,
25 and manufacturing methods.

1 “(iii) Influence of malign economic ac-
2 tors.

3 “(iv) Asset ownership.

4 “(v) Relationships within the supply
5 chains of such domains.

6 “(vi) The degree to which the condi-
7 tions referred to in clauses (i) through (v)
8 would place such a domain at risk of dis-
9 ruption, corruption, exploitation, or dys-
10 function.

11 “(B) ADDITIONAL RESEARCH INTO HIGH-
12 RISK CRITICAL DOMAINS.—Based on the identi-
13 fication and risk analysis of United States crit-
14 ical domains for economic security pursuant to
15 paragraph (1) and subparagraph (A) of this
16 paragraph, respectively, the Secretary may con-
17 duct additional research into those critical do-
18 mains, or specific elements thereof, with respect
19 to which there exists the highest degree of a
20 present or future threat to homeland security in
21 the event of disruption, corruption, exploitation,
22 or dysfunction to such a domain. For each such
23 high-risk domain, or element thereof, such re-
24 search shall—

1 “(i) describe the underlying infra-
2 structure and processes;

3 “(ii) analyze present and projected
4 performance of industries that comprise or
5 support such domain;

6 “(iii) examine the extent to which the
7 supply chain of a product or service nec-
8 essary to such domain is concentrated, ei-
9 ther through a small number of sources, or
10 if multiple sources are concentrated in one
11 geographic area;

12 “(iv) examine the extent to which the
13 demand for supplies of goods and services
14 of such industries can be fulfilled by
15 present and projected performance of other
16 industries, identify strategies, plans, and
17 potential barriers to expand the supplier
18 industrial base, and identify the barriers to
19 the participation of such other industries;

20 “(v) consider each such domain’s per-
21 formance capacities in stable economic en-
22 vironments, adversarial supply conditions,
23 and under crisis economic constraints;

1 “(vi) identify and define needs and re-
2 quirements to establish supply resiliency
3 within each such domain; and

4 “(vii) consider the effects of sector
5 consolidation, including foreign consolida-
6 tion, either through mergers or acquisi-
7 tions, or due to recent geographic realign-
8 ment, on such industries’ performances.

9 “(3) CONSULTATION.—In conducting the re-
10 search under paragraph (1) and subparagraph (B)
11 of paragraph (2), the Secretary may consult with
12 appropriate Federal agencies, State agencies, and
13 private sector stakeholders.

14 “(4) PUBLICATION.—Beginning one year after
15 the date of the enactment of this section, the Sec-
16 retary shall publish a report containing information
17 relating to the research under paragraph (1) and
18 subparagraph (B) of paragraph (2), including find-
19 ings, evidence, analysis, and recommendations. Such
20 report shall be updated annually through 2026.

21 “(b) SUBMISSION TO CONGRESS.—Not later than 90
22 days after the publication of each report required under
23 paragraph (4) of subsection (a), the Secretary shall trans-
24 mit to the Committee on Homeland Security of the House
25 of Representatives and the Committee on Homeland Secu-

1 rity and Governmental Affairs of the Senate each such re-
2 port, together with a description of actions the Secretary,
3 in consultation with appropriate Federal agencies, will un-
4 dertake or has undertaken in response to each such report.

5 “(c) DEFINITIONS.—In this section:

6 “(1) UNITED STATES CRITICAL DOMAINS FOR
7 ECONOMIC SECURITY.—The term ‘United States
8 critical domains for economic security’ means the
9 critical infrastructure and other associated indus-
10 tries, technologies, and intellectual property, or any
11 combination thereof, that are essential to the eco-
12 nomic security of the United States.

13 “(2) ECONOMIC SECURITY.—The term ‘eco-
14 nomic security’ means the condition of having secure
15 and resilient domestic production capacity, combined
16 with reliable access to the global resources necessary
17 to maintain an acceptable standard of living and to
18 protect core national values.

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated \$1,000,000 for each of
21 fiscal years 2022 through 2026 to carry out this section.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002, as
24 amended by section 5411 of this Act, is further amended

1 by inserting after the item relating to section 890B the
2 following new item:

“Sec. 890C. Homeland security critical domain research and development.”.

3 **Subtitle B—Cybersecurity**

4 **SEC. 6221. TITLE XXII TECHNICAL AND CLERICAL AMEND-** 5 **MENTS.**

6 (a) TECHNICAL AMENDMENTS.—

7 (1) HOMELAND SECURITY ACT OF 2002.—Sub-
8 title A of title XXII of the Homeland Security Act
9 of 2002 (6 U.S.C. 651 et seq.) is amended—

10 (A) in the first section 2215 (6 U.S.C.
11 665; relating to the duties and authorities relat-
12 ing to .gov internet domain), by amending the
13 section enumerator and heading to read as fol-
14 lows:

15 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
16 **INTERNET DOMAIN.”;**

17 (B) in the second section 2215 (6 U.S.C.
18 665b; relating to the joint cyber planning of-
19 fice), by amending the section enumerator and
20 heading to read as follows:

21 **“SEC. 2216. JOINT CYBER PLANNING OFFICE.”;**

22 (C) in the third section 2215 (6 U.S.C.
23 665c; relating to the Cybersecurity State Coor-
24 dinator), by amending the section enumerator
25 and heading to read as follows:

1 **“SEC. 2217. CYBERSECURITY STATE COORDINATOR.”;**

2 (D) in the fourth section 2215 (6 U.S.C.
3 665d; relating to Sector Risk Management
4 Agencies), by amending the section enumerator
5 and heading to read as follows:

6 **“SEC. 2218. SECTOR RISK MANAGEMENT AGENCIES.”;**

7 (E) in section 2216 (6 U.S.C. 665e; relat-
8 ing to the Cybersecurity Advisory Committee),
9 by amending the section enumerator and head-
10 ing to read as follows:

11 **“SEC. 2219. CYBERSECURITY ADVISORY COMMITTEE.”; and**

12 (F) in section 2217 (6 U.S.C. 665f; relat-
13 ing to Cybersecurity Education and Training
14 Programs), by amending the section enu-
15 merator and heading to read as follows:

16 **“SEC. 2220. CYBERSECURITY EDUCATION AND TRAINING
17 PROGRAMS.”.**

18 (2) CONSOLIDATED APPROPRIATIONS ACT,
19 2021.—Paragraph (1) of section 904(b) of division U
20 of the Consolidated Appropriations Act, 2021 (Pub-
21 lic Law 116–260) is amended, in the matter pre-
22 ceding subparagraph (A), by inserting “of 2002”
23 after “Homeland Security Act”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1(b) of the Homeland Security Act of 2002 is

1 amended by striking the items relating to sections 2214
2 through 2217 and inserting the following new items:

“Sec. 2214. National Asset Database.

“Sec. 2215. Duties and authorities relating to .gov internet domain.

“Sec. 2216. Joint cyber planning office.

“Sec. 2217. Cybersecurity State Coordinator.

“Sec. 2218. Sector Risk Management Agencies.

“Sec. 2219. Cybersecurity Advisory Committee.

“Sec. 2220. Cybersecurity Education and Training Programs.”.

3 **SEC. 6222. STATE AND LOCAL CYBERSECURITY GRANT PRO-**
4 **GRAM.**

5 (a) IN GENERAL.—Subtitle A of title XXII of the
6 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.),
7 as amended by section 5321 of this Act, is further amend-
8 ed by adding at the end the following new sections:

9 **“SEC. 2220A. STATE AND LOCAL CYBERSECURITY GRANT**
10 **PROGRAM.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) CYBER THREAT INDICATOR.—The term
13 ‘cyber threat indicator’ has the meaning given the
14 term in section 102 of the Cybersecurity Act of 2015
15 (6 U.S.C. 1501).

16 “(2) CYBERSECURITY PLAN.—The term ‘Cyber-
17 security Plan’ means a plan submitted by an eligible
18 entity under subsection (e)(1).

19 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a State; or

1 “(B) an Indian Tribe that, not later than
2 120 days after the date of the enactment of this
3 section or not later than 120 days before the
4 start of any fiscal year in which a grant under
5 this section is awarded—

6 “(i) notifies the Secretary that the In-
7 dian Tribe intends to develop a Cybersecu-
8 rity Plan; and

9 “(ii) agrees to forfeit any distribution
10 under subsection (n)(2).

11 “(4) INCIDENT.—The term ‘incident’ has the
12 meaning given the term in section 2209.

13 “(5) INDIAN TRIBE.—The term ‘Indian Tribe’
14 has the meaning given such term in section 4(e) of
15 the of the Indian Self-Determination and Education
16 Assistance Act (25 U.S.C. 5304(e)).

17 “(6) INFORMATION SHARING AND ANALYSIS OR-
18 GANIZATION.—The term ‘information sharing and
19 analysis organization’ has the meaning given the
20 term in section 2222.

21 “(7) INFORMATION SYSTEM.—The term ‘infor-
22 mation system’ has the meaning given the term in
23 section 102 of the Cybersecurity Act of 2015 (6
24 U.S.C. 1501).

1 “(8) ONLINE SERVICE.—The term ‘online serv-
2 ice’ means any internet-facing service, including a
3 website, email, virtual private network, or custom
4 application.

5 “(9) RANSOMWARE INCIDENT.—The term
6 ‘ransomware incident’ means an incident that actu-
7 ally or imminently jeopardizes, without lawful au-
8 thority, the integrity, confidentiality, or availability
9 of information on an information system, or actually
10 or imminently jeopardizes, without lawful authority,
11 an information system for the purpose of coercing
12 the information system’s owner, operator, or another
13 person.

14 “(10) STATE AND LOCAL CYBERSECURITY
15 GRANT PROGRAM.—The term ‘State and Local Cy-
16 bersecurity Grant Program’ means the program es-
17 tablished under subsection (b).

18 “(11) STATE AND LOCAL CYBERSECURITY RE-
19 SILIENCE COMMITTEE.—The term ‘State and Local
20 Cybersecurity Resilience Committee’ means the com-
21 mittee established under subsection (o)(1).

22 “(12) TRIBAL ORGANIZATION.—The term ‘Trib-
23 al organization’ has the meaning given such term in
24 section 4(l) of the of the Indian Self-Determination
25 and Education Assistance Act (25 U.S.C. 5304(l)).

1 “(b) ESTABLISHMENT.—

2 “(1) IN GENERAL.—The Secretary, acting
3 through the Director, shall establish a program, to
4 be known as the ‘the State and Local Cybersecurity
5 Grant Program’, to award grants to eligible entities
6 to address cybersecurity risks and cybersecurity
7 threats to information systems of State, local, or
8 Tribal organizations.

9 “(2) APPLICATION.—An eligible entity seeking
10 a grant under the State and Local Cybersecurity
11 Grant Program shall submit to the Secretary an ap-
12 plication at such time, in such manner, and con-
13 taining such information as the Secretary may re-
14 quire.

15 “(c) BASELINE REQUIREMENTS.—An eligible entity
16 or multistate group that receives a grant under this sec-
17 tion shall use the grant in compliance with—

18 “(1)(A) the Cybersecurity Plan of the eligible
19 entity or the Cybersecurity Plans of the eligible enti-
20 ties that comprise the multistate group; and

21 “(B) the Homeland Security Strategy to Im-
22 prove the Cybersecurity of State, Local, Tribal, and
23 Territorial Governments developed under section
24 2210(e)(1); or

1 “(2) activities carried out under paragraphs
2 (3), (4), and (5) of subsection (h).

3 “(d) ADMINISTRATION.—The State and Local Cyber-
4 security Grant Program shall be administered in the same
5 office of the Department that administers grants made
6 under sections 2003 and 2004.

7 “(e) CYBERSECURITY PLANS.—

8 “(1) IN GENERAL.—An eligible entity applying
9 for a grant under this section shall submit to the
10 Secretary a Cybersecurity Plan for approval.

11 “(2) REQUIRED ELEMENTS.—A Cybersecurity
12 Plan of an eligible entity shall—

13 “(A) incorporate, to the extent practicable,
14 any existing plans of the eligible entity to pro-
15 tect against cybersecurity risks and cybersecu-
16 rity threats to information systems of State,
17 local, or Tribal organizations;

18 “(B) describe, to the extent practicable,
19 how the eligible entity will—

20 “(i) manage, monitor, and track infor-
21 mation systems, applications, and user ac-
22 counts owned or operated by or on behalf
23 of the eligible entity or by local or Tribal
24 organizations within the jurisdiction of the
25 eligible entity and the information tech-

1 nology deployed on those information sys-
2 tems, including legacy information systems
3 and information technology that are no
4 longer supported by the manufacturer of
5 the systems or technology;

6 “(ii) monitor, audit, and track activity
7 between information systems, applications,
8 and user accounts owned or operated by or
9 on behalf of the eligible entity or by local
10 or Tribal organizations within the jurisdic-
11 tion of the eligible entity and between
12 those information systems and information
13 systems not owned or operated by the eligi-
14 ble entity or by local or Tribal organiza-
15 tions within the jurisdiction of the eligible
16 entity;

17 “(iii) enhance the preparation, re-
18 sponse, and resilience of information sys-
19 tems, applications, and user accounts
20 owned or operated by or on behalf of the
21 eligible entity or local or Tribal organiza-
22 tions against cybersecurity risks and cyber-
23 security threats;

24 “(iv) implement a process of contin-
25 uous cybersecurity vulnerability assess-

1 ments and threat mitigation practices
2 prioritized by degree of risk to address cy-
3 bersecurity risks and cybersecurity threats
4 on information systems of the eligible enti-
5 ty or local or Tribal organizations;

6 “*(v)* ensure that State, local, and
7 Tribal organizations that own or operate
8 information systems that are located with-
9 in the jurisdiction of the eligible entity—

10 “*(I)* adopt best practices and
11 methodologies to enhance cybersecu-
12 rity, such as the practices set forth in
13 the cybersecurity framework developed
14 by, and the cyber supply chain risk
15 management best practices identified
16 by, the National Institute of Stand-
17 ards and Technology; and

18 “*(II)* utilize knowledge bases of
19 adversary tools and tactics to assess
20 risk;

21 “*(vi)* promote the delivery of safe, rec-
22 ognizable, and trustworthy online services
23 by State, local, and Tribal organizations,
24 including through the use of the .gov inter-
25 net domain;

1 “(vii) ensure continuity of operations
2 of the eligible entity and local, and Tribal
3 organizations in the event of a cybersecu-
4 rity incident (including a ransomware inci-
5 dent), including by conducting exercises to
6 practice responding to such an incident;

7 “(viii) use the National Initiative for
8 Cybersecurity Education Cybersecurity
9 Workforce Framework developed by the
10 National Institute of Standards and Tech-
11 nology to identify and mitigate any gaps in
12 the cybersecurity workforces of State,
13 local, or Tribal organizations, enhance re-
14 cruitment and retention efforts for such
15 workforces, and bolster the knowledge,
16 skills, and abilities of State, local, and
17 Tribal organization personnel to address
18 cybersecurity risks and cybersecurity
19 threats, such as through cybersecurity hy-
20 giene training;

21 “(ix) ensure continuity of communica-
22 tions and data networks within the juris-
23 diction of the eligible entity between the el-
24 igible entity and local and Tribal organiza-
25 tions that own or operate information sys-

1 tems within the jurisdiction of the eligible
2 entity in the event of an incident involving
3 such communications or data networks
4 within the jurisdiction of the eligible entity;

5 “(x) assess and mitigate, to the great-
6 est degree possible, cybersecurity risks and
7 cybersecurity threats related to critical in-
8 frastructure and key resources, the deg-
9 radation of which may impact the perform-
10 ance of information systems within the ju-
11 risdiction of the eligible entity;

12 “(xi) enhance capabilities to share
13 cyber threat indicators and related infor-
14 mation between the eligible entity and local
15 and Tribal organizations that own or oper-
16 ate information systems within the juris-
17 diction of the eligible entity, including by
18 expanding existing information-sharing
19 agreements with the Department;

20 “(xii) enhance the capability of the el-
21 igible entity to share cyber threat indictors
22 and related information with the Depart-
23 ment;

24 “(xiii) leverage cybersecurity services
25 offered by the Department;

1 “(xiv) develop and coordinate strate-
2 gies to address cybersecurity risks and cy-
3 bersecurity threats to information systems
4 of the eligible entity in consultation with—

5 “(I) local and Tribal organiza-
6 tions within the jurisdiction of the eli-
7 gible entity; and

8 “(II) as applicable—

9 “(aa) States that neighbor
10 the jurisdiction of the eligible en-
11 tity or, as appropriate, members
12 of an information sharing and
13 analysis organization; and

14 “(bb) countries that neigh-
15 bor the jurisdiction of the eligible
16 entity; and

17 “(xv) implement an information tech-
18 nology and operational technology mod-
19 ernization cybersecurity review process
20 that ensures alignment between informa-
21 tion technology and operational technology
22 cybersecurity objectives;

23 “(C) describe, to the extent practicable, the
24 individual responsibilities of the eligible entity
25 and local and Tribal organizations within the

1 jurisdiction of the eligible entity in imple-
2 menting the plan;

3 “(D) outline, to the extent practicable, the
4 necessary resources and a timeline for imple-
5 menting the plan; and

6 “(E) describe how the eligible entity will
7 measure progress toward implementing the
8 plan.

9 “(3) DISCRETIONARY ELEMENTS.—A Cyberse-
10 curity Plan of an eligible entity may include a de-
11 scription of—

12 “(A) cooperative programs developed by
13 groups of local and Tribal organizations within
14 the jurisdiction of the eligible entity to address
15 cybersecurity risks and cybersecurity threats;
16 and

17 “(B) programs provided by the eligible en-
18 tity to support local and Tribal organizations
19 and owners and operators of critical infrastruc-
20 ture to address cybersecurity risks and cyberse-
21 curity threats.

22 “(4) MANAGEMENT OF FUNDS.—An eligible en-
23 tity applying for a grant under this section shall
24 agree to designate the Chief Information Officer, the
25 Chief Information Security Officer, or an equivalent

1 official of the eligible entity as the primary official
2 for the management and allocation of funds awarded
3 under this section.

4 “(f) MULTISTATE GRANTS.—

5 “(1) IN GENERAL.—The Secretary, acting
6 through the Director, may award grants under this
7 section to a group of two or more eligible entities to
8 support multistate efforts to address cybersecurity
9 risks and cybersecurity threats to information sys-
10 tems within the jurisdictions of the eligible entities.

11 “(2) SATISFACTION OF OTHER REQUIRE-
12 MENTS.—In order to be eligible for a multistate
13 grant under this subsection, each eligible entity that
14 comprises a multistate group shall submit to the
15 Secretary—

16 “(A) a Cybersecurity Plan for approval in
17 accordance with subsection (i); and

18 “(B) a plan for establishing a cybersecu-
19 rity planning committee under subsection (g).

20 “(3) APPLICATION.—

21 “(A) IN GENERAL.—A multistate group
22 applying for a multistate grant under para-
23 graph (1) shall submit to the Secretary an ap-
24 plication at such time, in such manner, and

1 containing such information as the Secretary
2 may require.

3 “(B) MULTISTATE PROJECT DESCRIPTION.—An application of a multistate group
4 under subparagraph (A) shall include a plan de-
5 scribing—
6

7 “(i) the division of responsibilities
8 among the eligible entities that comprise
9 the multistate group for administering the
10 grant for which application is being made;

11 “(ii) the distribution of funding from
12 such a grant among the eligible entities
13 that comprise the multistate group; and

14 “(iii) how the eligible entities that
15 comprise the multistate group will work to-
16 gether to implement the Cybersecurity
17 Plan of each of those eligible entities.

18 “(g) PLANNING COMMITTEES.—

19 “(1) IN GENERAL.—An eligible entity that re-
20 ceives a grant under this section shall establish a cy-
21 bersecurity planning committee to—

22 “(A) assist in the development, implemen-
23 tation, and revision of the Cybersecurity Plan of
24 the eligible entity;

1 “(B) approve the Cybersecurity Plan of the
2 eligible entity; and

3 “(C) assist in the determination of effec-
4 tive funding priorities for a grant under this
5 section in accordance with subsection (h).

6 “(2) COMPOSITION.—A committee of an eligible
7 entity established under paragraph (1) shall—

8 “(A) be comprised of representatives from
9 the eligible entity and counties, cities, towns,
10 Tribes, and public educational and health insti-
11 tutions within the jurisdiction of the eligible en-
12 tity; and

13 “(B) include, as appropriate, representa-
14 tives of rural, suburban, and high-population
15 jurisdictions.

16 “(3) CYBERSECURITY EXPERTISE.—Not less
17 than one-half of the representatives of a committee
18 established under paragraph (1) shall have profes-
19 sional experience relating to cybersecurity or infor-
20 mation technology.

21 “(4) RULE OF CONSTRUCTION REGARDING EX-
22 ISTING PLANNING COMMITTEES.—Nothing in this
23 subsection may be construed to require an eligible
24 entity to establish a cybersecurity planning com-
25 mittee if the eligible entity has established and uses

1 a multijurisdictional planning committee or commis-
2 sion that meets, or may be leveraged to meet, the re-
3 quirements of this subsection.

4 “(h) USE OF FUNDS.—An eligible entity that receives
5 a grant under this section shall use the grant to—

6 “(1) implement the Cybersecurity Plan of the
7 eligible entity;

8 “(2) develop or revise the Cybersecurity Plan of
9 the eligible entity; or

10 “(3) assist with activities that address immi-
11 nent cybersecurity risks or cybersecurity threats to
12 the information systems of the eligible entity or a
13 local or Tribal organization within the jurisdiction of
14 the eligible entity.

15 “(i) APPROVAL OF PLANS.—

16 “(1) APPROVAL AS CONDITION OF GRANT.—Be-
17 fore an eligible entity may receive a grant under this
18 section, the Secretary, acting through the Director,
19 shall review the Cybersecurity Plan, or any revisions
20 thereto, of the eligible entity and approve such plan,
21 or revised plan, if it satisfies the requirements speci-
22 fied in paragraph (2).

23 “(2) PLAN REQUIREMENTS.—In approving a
24 Cybersecurity Plan of an eligible entity under this

1 subsection, the Director shall ensure that the Cyber-
2 security Plan—

3 “(A) satisfies the requirements of sub-
4 section (e)(2);

5 “(B) upon the issuance of the Homeland
6 Security Strategy to Improve the Cybersecurity
7 of State, Local, Tribal, and Territorial Govern-
8 ments authorized pursuant to section 2210(e),
9 complies, as appropriate, with the goals and ob-
10 jectives of the strategy; and

11 “(C) has been approved by the cybersecu-
12 rity planning committee of the eligible entity es-
13 tablished under subsection (g).

14 “(3) APPROVAL OF REVISIONS.—The Secretary,
15 acting through the Director, may approve revisions
16 to a Cybersecurity Plan as the Director determines
17 appropriate.

18 “(4) EXCEPTION.—Notwithstanding subsection
19 (e) and paragraph (1) of this subsection, the Sec-
20 retary may award a grant under this section to an
21 eligible entity that does not submit a Cybersecurity
22 Plan to the Secretary if—

23 “(A) the eligible entity certifies to the Sec-
24 retary that—

1 “(i) the activities that will be sup-
2 ported by the grant are integral to the de-
3 velopment of the Cybersecurity Plan of the
4 eligible entity; and

5 “(ii) the eligible entity will submit by
6 September 30, 2023, to the Secretary, a
7 Cybersecurity Plan for review, and if ap-
8 propriate, approval; or

9 “(B) the eligible entity certifies to the Sec-
10 retary, and the Director confirms, that the eli-
11 gible entity will use funds from the grant to as-
12 sist with the activities described in subsection
13 (h)(3).

14 “(j) LIMITATIONS ON USES OF FUNDS.—

15 “(1) IN GENERAL.—An eligible entity that re-
16 ceives a grant under this section may not use the
17 grant—

18 “(A) to supplant State, local, or Tribal
19 funds;

20 “(B) for any recipient cost-sharing con-
21 tribution;

22 “(C) to pay a demand for ransom in an at-
23 tempt to—

24 “(i) regain access to information or
25 an information system of the eligible entity

1 or of a local or Tribal organization within
2 the jurisdiction of the eligible entity; or

3 “(ii) prevent the disclosure of infor-
4 mation that has been removed without au-
5 thorization from an information system of
6 the eligible entity or of a local or Tribal or-
7 ganization within the jurisdiction of the eli-
8 gible entity;

9 “(D) for recreational or social purposes; or

10 “(E) for any purpose that does not address
11 cybersecurity risks or cybersecurity threats on
12 information systems of the eligible entity or of
13 a local or Tribal organization within the juris-
14 diction of the eligible entity.

15 “(2) PENALTIES.—In addition to any other
16 remedy available, the Secretary may take such ac-
17 tions as are necessary to ensure that a recipient of
18 a grant under this section uses the grant for the
19 purposes for which the grant is awarded.

20 “(3) RULE OF CONSTRUCTION.—Nothing in
21 paragraph (1) may be construed to prohibit the use
22 of grant funds provided to a State, local, or Tribal
23 organization for otherwise permissible uses under
24 this section on the basis that a State, local, or Trib-

1 al organization has previously used State, local, or
2 Tribal funds to support the same or similar uses.

3 “(k) OPPORTUNITY TO AMEND APPLICATIONS.—In
4 considering applications for grants under this section, the
5 Secretary shall provide applicants with a reasonable op-
6 portunity to correct defects, if any, in such applications
7 before making final awards.

8 “(l) APPORTIONMENT.—For fiscal year 2022 and
9 each fiscal year thereafter, the Secretary shall apportion
10 amounts appropriated to carry out this section among
11 States as follows:

12 “(1) BASELINE AMOUNT.—The Secretary shall
13 first apportion 0.25 percent of such amounts to each
14 of American Samoa, the Commonwealth of the
15 Northern Mariana Islands, Guam, the United States
16 Virgin Islands, and 0.75 percent of such amounts to
17 each of the remaining States.

18 “(2) REMAINDER.—The Secretary shall appor-
19 tion the remainder of such amounts in the ratio
20 that—

21 “(A) the population of each eligible entity,
22 bears to

23 “(B) the population of all eligible entities.

24 “(3) MINIMUM ALLOCATION TO INDIAN
25 TRIBES.—

1 “(A) IN GENERAL.—In apportioning
2 amounts under this section, the Secretary shall
3 ensure that, for each fiscal year, directly eligible
4 Tribes collectively receive, from amounts appro-
5 priated under the State and Local Cybersecu-
6 rity Grant Program, not less than an amount
7 equal to three percent of the total amount ap-
8 propriated for grants under this section.

9 “(B) ALLOCATION.—Of the amount re-
10 served under subparagraph (A), funds shall be
11 allocated in a manner determined by the Sec-
12 retary in consultation with Indian Tribes.

13 “(C) EXCEPTION.—This paragraph shall
14 not apply in any fiscal year in which the Sec-
15 retary—

16 “(i) receives fewer than five applica-
17 tions from Indian Tribes; or

18 “(ii) does not approve at least two ap-
19 plications from Indian Tribes.

20 “(m) FEDERAL SHARE.—

21 “(1) IN GENERAL.—The Federal share of the
22 cost of an activity carried out using funds made
23 available with a grant under this section may not ex-
24 ceed—

1 “(A) in the case of a grant to an eligible
2 entity—

3 “(i) for fiscal year 2022, 90 percent;

4 “(ii) for fiscal year 2023, 80 percent;

5 “(iii) for fiscal year 2024, 70 percent;

6 “(iv) for fiscal year 2025, 60 percent;

7 and

8 “(v) for fiscal year 2026 and each
9 subsequent fiscal year, 50 percent; and

10 “(B) in the case of a grant to a multistate
11 group—

12 “(i) for fiscal year 2022, 95 percent;

13 “(ii) for fiscal year 2023, 85 percent;

14 “(iii) for fiscal year 2024, 75 percent;

15 “(iv) for fiscal year 2025, 65 percent;

16 and

17 “(v) for fiscal year 2026 and each
18 subsequent fiscal year, 55 percent.

19 “(2) WAIVER.—The Secretary may waive or
20 modify the requirements of paragraph (1) for an In-
21 dian Tribe if the Secretary determines such a waiver
22 is in the public interest.

23 “(n) RESPONSIBILITIES OF GRANTEES.—

24 “(1) CERTIFICATION.—Each eligible entity or
25 multistate group that receives a grant under this

1 section shall certify to the Secretary that the grant
2 will be used—

3 “(A) for the purpose for which the grant
4 is awarded; and

5 “(B) in compliance with, as the case may
6 be—

7 “(i) the Cybersecurity Plan of the eli-
8 gible entity;

9 “(ii) the Cybersecurity Plans of the eli-
10 gible entities that comprise the multistate
11 group; or

12 “(iii) a purpose approved by the Sec-
13 retary under subsection (h) or pursuant to
14 an exception under subsection (i).

15 “(2) AVAILABILITY OF FUNDS TO LOCAL AND
16 TRIBAL ORGANIZATIONS.—Not later than 45 days
17 after the date on which an eligible entity or
18 multistate group receives a grant under this section,
19 the eligible entity or multistate group shall, without
20 imposing unreasonable or unduly burdensome re-
21 quirements as a condition of receipt, obligate or oth-
22 erwise make available to local and Tribal organiza-
23 tions within the jurisdiction of the eligible entity or
24 the eligible entities that comprise the multistate
25 group, and as applicable, consistent with the Cyber-

1 security Plan of the eligible entity or the Cybersecu-
2 rity Plans of the eligible entities that comprise the
3 multistate group—

4 “(A) not less than 80 percent of funds
5 available under the grant;

6 “(B) with the consent of the local and
7 Tribal organizations, items, services, capabili-
8 ties, or activities having a value of not less than
9 80 percent of the amount of the grant; or

10 “(C) with the consent of the local and
11 Tribal organizations, grant funds combined
12 with other items, services, capabilities, or activi-
13 ties having the total value of not less than 80
14 percent of the amount of the grant.

15 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL AND TRIBAL ORGANIZATIONS.—An eligible entity or multistate group shall certify to the Secretary that the eligible entity or multistate group has made the distribution to local, Tribal, and territorial governments required under paragraph (2).

22 “(4) EXTENSION OF PERIOD.—

23 “(A) IN GENERAL.—An eligible entity or
24 multistate group may request in writing that
25 the Secretary extend the period of time speci-

1 fied in paragraph (2) for an additional period
2 of time.

3 “(B) APPROVAL.—The Secretary may ap-
4 prove a request for an extension under subpara-
5 graph (A) if the Secretary determines the ex-
6 tension is necessary to ensure that the obliga-
7 tion and expenditure of grant funds align with
8 the purpose of the State and Local Cybersecu-
9 rity Grant Program.

10 “(5) EXCEPTION.—Paragraph (2) shall not
11 apply to the District of Columbia, the Common-
12 wealth of Puerto Rico, American Samoa, the Com-
13 monwealth of the Northern Mariana Islands, Guam,
14 the United States Virgin Islands, or an Indian
15 Tribe.

16 “(6) DIRECT FUNDING.—If an eligible entity
17 does not make a distribution to a local or Tribal or-
18 ganization required in accordance with paragraph
19 (2), the local or Tribal organization may petition the
20 Secretary to request that grant funds be provided di-
21 rectly to the local or Tribal organization.

22 “(7) PENALTIES.—In addition to other rem-
23 edies available to the Secretary, the Secretary may
24 terminate or reduce the amount of a grant awarded
25 under this section to an eligible entity or distribute

1 grant funds previously awarded to such eligible enti-
2 ty directly to the appropriate local or Tribal organi-
3 zation as a replacement grant in an amount the Sec-
4 retary determines appropriate if such eligible entity
5 violates a requirement of this subsection.

6 “(o) ADVISORY COMMITTEE.—

7 “(1) ESTABLISHMENT.—Not later than 120
8 days after the date of enactment of this section, the
9 Director shall establish a State and Local Cyberse-
10 curity Resilience Committee to provide State, local,
11 and Tribal stakeholder expertise, situational aware-
12 ness, and recommendations to the Director, as ap-
13 propriate, regarding how to—

14 “(A) address cybersecurity risks and cyber-
15 security threats to information systems of
16 State, local, or Tribal organizations; and

17 “(B) improve the ability of State, local,
18 and Tribal organizations to prevent, protect
19 against, respond to, mitigate, and recover from
20 such cybersecurity risks and cybersecurity
21 threats.

22 “(2) DUTIES.—The committee established
23 under paragraph (1) shall—

1 “(A) submit to the Director recommenda-
2 tions that may inform guidance for applicants
3 for grants under this section;

4 “(B) upon the request of the Director, pro-
5 vide to the Director technical assistance to in-
6 form the review of Cybersecurity Plans sub-
7 mitted by applicants for grants under this sec-
8 tion, and, as appropriate, submit to the Direc-
9 tor recommendations to improve those plans
10 prior to the approval of the plans under sub-
11 section (i);

12 “(C) advise and provide to the Director
13 input regarding the Homeland Security Strat-
14 egy to Improve Cybersecurity for State, Local,
15 Tribal, and Territorial Governments required
16 under section 2210;

17 “(D) upon the request of the Director, pro-
18 vide to the Director recommendations, as ap-
19 propriate, regarding how to—

20 “(i) address cybersecurity risks and
21 cybersecurity threats on information sys-
22 tems of State, local, or Tribal organiza-
23 tions; and

1 “(ii) improve the cybersecurity resil-
2 ience of State, local, or Tribal organiza-
3 tions; and

4 “(E) regularly coordinate with the State,
5 Local, Tribal and Territorial Government Co-
6 ordinating Council, within the Critical Infra-
7 structure Partnership Advisory Council, estab-
8 lished under section 871.

9 “(3) MEMBERSHIP.—

10 “(A) NUMBER AND APPOINTMENT.—The
11 State and Local Cybersecurity Resilience Com-
12 mittee established pursuant to paragraph (1)
13 shall be composed of 15 members appointed by
14 the Director, as follows:

15 “(i) Two individuals recommended to
16 the Director by the National Governors As-
17 sociation.

18 “(ii) Two individuals recommended to
19 the Director by the National Association of
20 State Chief Information Officers.

21 “(iii) One individual recommended to
22 the Director by the National Guard Bu-
23 reau.

1 “(iv) Two individuals recommended to
2 the Director by the National Association of
3 Counties.

4 “(v) One individual recommended to
5 the Director by the National League of
6 Cities.

7 “(vi) One individual recommended to
8 the Director by the United States Con-
9 ference of Mayors.

10 “(vii) One individual recommended to
11 the Director by the Multi-State Informa-
12 tion Sharing and Analysis Center.

13 “(viii) One individual recommended to
14 the Director by the National Congress of
15 American Indians.

16 “(viii) Four individuals who have edu-
17 cational and professional experience relat-
18 ing to cybersecurity work or cybersecurity
19 policy.

20 “(B) TERMS.—

21 “(i) IN GENERAL.—Subject to clause
22 (ii), each member of the State and Local
23 Cybersecurity Resilience Committee shall
24 be appointed for a term of two years.

1 “(ii) REQUIREMENT.—At least two
2 members of the State and Local Cyberse-
3 curity Resilience Committee shall also be
4 members of the State, Local, Tribal and
5 Territorial Government Coordinating
6 Council, within the Critical Infrastructure
7 Partnership Advisory Council, established
8 under section 871.

9 “(iii) EXCEPTION.—A term of a mem-
10 ber of the State and Local Cybersecurity
11 Resilience Committee shall be three years
12 if the member is appointed initially to the
13 Committee upon the establishment of the
14 Committee.

15 “(iv) TERM REMAINDERS.—Any mem-
16 ber of the State and Local Cybersecurity
17 Resilience Committee appointed to fill a
18 vacancy occurring before the expiration of
19 the term for which the member’s prede-
20 cessor was appointed shall be appointed
21 only for the remainder of such term. A
22 member may serve after the expiration of
23 such member’s term until a successor has
24 taken office.

1 “(v) VACANCIES.—A vacancy in the
2 State and Local Cybersecurity Resilience
3 Committee shall be filled in the manner in
4 which the original appointment was made.

5 “(C) PAY.—Members of the State and
6 Local Cybersecurity Resilience Committee shall
7 serve without pay.

8 “(4) CHAIRPERSON; VICE CHAIRPERSON.—The
9 members of the State and Local Cybersecurity Resilience
10 Committee shall select a chairperson and vice
11 chairperson from among members of the committee.

12 “(5) PERMANENT AUTHORITY.—Notwith-
13 standing section 14 of the Federal Advisory Com-
14 mittee Act (5 U.S.C. App.), the State and Local Cy-
15 bersecurity Resilience Committee shall be a perma-
16 nent authority.

17 “(p) REPORTS.—

18 “(1) ANNUAL REPORTS BY GRANT RECIPI-
19 ENTS.—

20 “(A) IN GENERAL.—Not later than one
21 year after an eligible entity or multistate group
22 receives funds under this section, the eligible
23 entity or multistate group shall submit to the
24 Secretary a report on the progress of the eligi-
25 ble entity or multistate group in implementing

1 the Cybersecurity Plan of the eligible entity or
2 Cybersecurity Plans of the eligible entities that
3 comprise the multistate group, as the case may
4 be.

5 “(B) ABSENCE OF PLAN.—Not later than
6 180 days after an eligible entity that does not
7 have a Cybersecurity Plan receives funds under
8 this section for developing its Cybersecurity
9 Plan, the eligible entity shall submit to the Sec-
10 retary a report describing how the eligible enti-
11 ty obligated and expended grant funds during
12 the fiscal year to—

13 “(i) so develop such a Cybersecurity
14 Plan; or

15 “(ii) assist with the activities de-
16 scribed in subsection (h)(3).

17 “(2) ANNUAL REPORTS TO CONGRESS.—Not
18 less frequently than once per year, the Secretary,
19 acting through the Director, shall submit to Con-
20 gress a report on the use of grants awarded under
21 this section and any progress made toward the fol-
22 lowing:

23 “(A) Achieving the objectives set forth in
24 the Homeland Security Strategy to Improve the
25 Cybersecurity of State, Local, Tribal, and Ter-

1 ritorial Governments, upon the date on which
2 the strategy is issued under section 2210.

3 “(B) Developing, implementing, or revising
4 Cybersecurity Plans.

5 “(C) Reducing cybersecurity risks and cy-
6 bersecurity threats to information systems, ap-
7 plications, and user accounts owned or operated
8 by or on behalf of State, local, and Tribal orga-
9 nizations as a result of the award of such
10 grants.

11 “(q) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated for grants under this
13 section—

14 “(1) for each of fiscal years 2022 through
15 2026, \$500,000,000; and

16 “(2) for each subsequent fiscal year, such sums
17 as may be necessary.

18 **“SEC. 2220B. CYBERSECURITY RESOURCE GUIDE DEVELOP-**
19 **MENT FOR STATE, LOCAL, TRIBAL, AND TER-**
20 **RITORIAL GOVERNMENT OFFICIALS.**

21 “The Secretary, acting through the Director, shall
22 develop, regularly update, and maintain a resource guide
23 for use by State, local, Tribal, and territorial government
24 officials, including law enforcement officers, to help such
25 officials identify, prepare for, detect, protect against, re-

1 spond to, and recover from cybersecurity risks (as such
2 term is defined in section 2209), cybersecurity threats,
3 and incidents (as such term is defined in section 2209).”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002, as
6 amended by section 5413, is further amended by inserting
7 after the item relating to section 2220 the following new
8 items:

“Sec. 2220A. State and Local Cybersecurity Grant Program.

“Sec. 2220B. Cybersecurity resource guide development for State, local, Tribal,
and territorial government officials.”.

9 **SEC. 6223. STRATEGY.**

10 (a) HOMELAND SECURITY STRATEGY TO IMPROVE
11 THE CYBERSECURITY OF STATE, LOCAL, TRIBAL, AND
12 TERRITORIAL GOVERNMENTS.—Section 2210 of the
13 Homeland Security Act of 2002 (6 U.S.C. 660) is amend-
14 ed by adding at the end the following new subsection:

15 “(e) HOMELAND SECURITY STRATEGY TO IMPROVE
16 THE CYBERSECURITY OF STATE, LOCAL, TRIBAL, AND
17 TERRITORIAL GOVERNMENTS.—

18 “(1) IN GENERAL.—

19 “(A) REQUIREMENT.—Not later than one
20 year after the date of the enactment of this
21 subsection, the Secretary, acting through the
22 Director, shall, in coordination with the heads
23 of appropriate Federal agencies, State, local,
24 Tribal, and territorial governments, the State

1 and Local Cybersecurity Resilience Committee
2 established under section 2220A, and other
3 stakeholders, as appropriate, develop and make
4 publicly available a Homeland Security Strategy
5 to Improve the Cybersecurity of State, Local,
6 Tribal, and Territorial Governments.

7 “(B) RECOMMENDATIONS AND REQUIRE-
8 MENTS.—The strategy required under subpara-
9 graph (A) shall—

10 “(i) provide recommendations relating
11 to the ways in which the Federal Govern-
12 ment should support and promote the abil-
13 ity of State, local, Tribal, and territorial
14 governments to identify, mitigate against,
15 protect against, detect, respond to, and re-
16 cover from cybersecurity risks (as such
17 term is defined in section 2209), cyberse-
18 curity threats, and incidents (as such term
19 is defined in section 2209); and

20 “(ii) establish baseline requirements
21 for cybersecurity plans under this section
22 and principles with which such plans shall
23 align.

24 “(2) CONTENTS.—The strategy required under
25 paragraph (1) shall—

1 “(A) identify capability gaps in the ability
2 of State, local, Tribal, and territorial govern-
3 ments to identify, protect against, detect, re-
4 spond to, and recover from cybersecurity risks,
5 cybersecurity threats, incidents, and
6 ransomware incidents;

7 “(B) identify Federal resources and capa-
8 bilities that are available or could be made
9 available to State, local, Tribal, and territorial
10 governments to help those governments identify,
11 protect against, detect, respond to, and recover
12 from cybersecurity risks, cybersecurity threats,
13 incidents, and ransomware incidents;

14 “(C) identify and assess the limitations of
15 Federal resources and capabilities available to
16 State, local, Tribal, and territorial governments
17 to help those governments identify, protect
18 against, detect, respond to, and recover from
19 cybersecurity risks, cybersecurity threats, inci-
20 dents, and ransomware incidents and make rec-
21 ommendations to address such limitations;

22 “(D) identify opportunities to improve the
23 coordination of the Agency with Federal and
24 non-Federal entities, such as the Multi-State

1 Information Sharing and Analysis Center, to
2 improve—

3 “(i) incident exercises, information
4 sharing and incident notification proce-
5 dures;

6 “(ii) the ability for State, local, Trib-
7 al, and territorial governments to volun-
8 tarily adapt and implement guidance in
9 Federal binding operational directives; and

10 “(iii) opportunities to leverage Federal
11 schedules for cybersecurity investments
12 under section 502 of title 40, United
13 States Code;

14 “(E) recommend new initiatives the Fed-
15 eral Government should undertake to improve
16 the ability of State, local, Tribal, and territorial
17 governments to identify, protect against, detect,
18 respond to, and recover from cybersecurity
19 risks, cybersecurity threats, incidents, and
20 ransomware incidents;

21 “(F) set short-term and long-term goals
22 that will improve the ability of State, local,
23 Tribal, and territorial governments to identify,
24 protect against, detect, respond to, and recover

1 from cybersecurity risks, cybersecurity threats,
2 incidents, and ransomware incidents; and

3 “(G) set dates, including interim bench-
4 marks, as appropriate for State, local, Tribal,
5 and territorial governments to establish baseline
6 capabilities to identify, protect against, detect,
7 respond to, and recover from cybersecurity
8 risks, cybersecurity threats, incidents, and
9 ransomware incidents.

10 “(3) CONSIDERATIONS.—In developing the
11 strategy required under paragraph (1), the Director,
12 in coordination with the heads of appropriate Fed-
13 eral agencies, State, local, Tribal, and territorial
14 governments, the State and Local Cybersecurity Re-
15 siliency Committee established under section 2220A,
16 and other stakeholders, as appropriate, shall con-
17 sider—

18 “(A) lessons learned from incidents that
19 have affected State, local, Tribal, and territorial
20 governments, and exercises with Federal and
21 non-Federal entities;

22 “(B) the impact of incidents that have af-
23 fected State, local, Tribal, and territorial gov-
24 ernments, including the resulting costs to such
25 governments;

1 “(C) the information related to the interest
2 and ability of state and non-state threat actors
3 to compromise information systems (as such
4 term is defined in section 102 of the Cybersecu-
5 rity Act of 2015 (6 U.S.C. 1501)) owned or op-
6 erated by State, local, Tribal, and territorial
7 governments;

8 “(D) emerging cybersecurity risks and cy-
9 bersecurity threats to State, local, Tribal, and
10 territorial governments resulting from the de-
11 ployment of new technologies; and

12 “(E) recommendations made by the State
13 and Local Cybersecurity Resilience Committee
14 established under section 2220A.

15 “(4) EXEMPTION.—Chapter 35 of title 44,
16 United States Code (commonly known as the ‘Paper-
17 work Reduction Act’), shall not apply to any action
18 to implement this subsection.”.

19 (b) RESPONSIBILITIES OF THE DIRECTOR OF THE
20 CYBERSECURITY AND INFRASTRUCTURE SECURITY AGEN-
21 CY.—Section 2202 of the Homeland Security Act of 2002
22 (6 U.S.C. 652) is amended—

23 (1) by redesignating subsections (d) through (i)
24 as subsections (e) through (j), respectively; and

1 (2) by inserting after subsection (c) the fol-
2 lowing new subsection:

3 “(d) **ADDITIONAL RESPONSIBILITIES.**—In addition
4 to the responsibilities under subsection (c), the Director
5 shall—

6 “(1) develop program guidance, in consultation
7 with the State and Local Government Cybersecurity
8 Resilience Committee established under section
9 2220A, for the State and Local Cybersecurity Grant
10 Program under such section or any other homeland
11 security assistance administered by the Department
12 to improve cybersecurity;

13 “(2) review, in consultation with the State and
14 Local Cybersecurity Resilience Committee, all cyber-
15 security plans of State, local, Tribal, and territorial
16 governments developed pursuant to any homeland
17 security assistance administered by the Department
18 to improve cybersecurity;

19 “(3) provide expertise and technical assistance
20 to State, local, Tribal, and territorial government of-
21 ficials with respect to cybersecurity; and

22 “(4) provide education, training, and capacity
23 development to enhance the security and resilience
24 of cybersecurity and infrastructure security.”.

1 (c) FEASIBILITY STUDY.—Not later than 270 days
2 after the date of the enactment of this Act, the Director
3 of the Cybersecurity and Infrastructure Security of the
4 Department of Homeland Security shall conduct a study
5 to assess the feasibility of implementing a short-term rota-
6 tional program for the detail to the Agency of approved
7 State, local, Tribal, and territorial government employees
8 in cyber workforce positions.

9 **SEC. 6224. CYBERSECURITY VULNERABILITIES.**

10 Section 2209 of the Homeland Security Act of 2002
11 (6 U.S.C. 659) is amended—

12 (1) in subsection (a)—

13 (A) by redesignating paragraphs (4)
14 through (8) as paragraphs (5) through (9), re-
15 spectively; and

16 (B) by inserting after paragraph (3) the
17 following new paragraph:

18 “(4) the term ‘cybersecurity vulnerability’ has
19 the meaning given the term ‘security vulnerability’
20 in section 102 of the Cybersecurity Information
21 Sharing Act of 2015 (6 U.S.C. 1501);”.

22 (2) in subsection (c)—

23 (A) in paragraph (5)—

24 (i) in subparagraph (A), by striking
25 “and” after the semicolon at the end;

1 (ii) by redesignating subparagraph
2 (B) as subparagraph (C);

3 (iii) by inserting after subparagraph
4 (A) the following new subparagraph:

5 “(B) sharing mitigation protocols to counter cy-
6 bersecurity vulnerabilities pursuant to subsection
7 (n); and”;

8 (iv) in subparagraph (C), as so redesi-
9 gnated, by inserting “and mitigation pro-
10 tocols to counter cybersecurity
11 vulnerabilities in accordance with subpara-
12 graph (B)” before “with Federal”;

13 (B) in paragraph (7)(C), by striking
14 “sharing” and inserting “share”;

15 (C) in paragraph (9), by inserting “mitiga-
16 tion protocols to counter cybersecurity
17 vulnerabilities,” after “measures,”;

18 (3) in subsection (e)(1)(G), by striking the
19 semicolon after “and” at the end;

20 (4) by redesignating subsection (o) as sub-
21 section (p); and

22 (5) by inserting after subsection (n) following
23 new subsection:

24 “(o) PROTOCOLS TO COUNTER CERTAIN CYBERSE-
25 CURITY VULNERABILITIES.—The Director may, as appro-

1 p r i a t e , i d e n t i f y , d e v e l o p , a n d d i s s e m i n a t e a c t i o n a b l e p r o t o -
2 c o l s t o m i t i g a t e c y b e r s e c u r i t y v u l n e r a b i l i t i e s t o i n f o r m a -
3 t i o n s y s t e m s a n d i n d u s t r i a l c o n t r o l s y s t e m s , i n c l u d i n g i n
4 c i r c u m s t a n c e s i n w h i c h s u c h v u l n e r a b i l i t i e s e x i s t b e c a u s e
5 s o f t w a r e o r h a r d w a r e i s n o l o n g e r s u p p o r t e d b y a v e n -
6 d o r . ” .

7 **SEC. 6225. CAPABILITIES OF THE CYBERSECURITY AND IN-**
8 **FRASTRUCTURE SECURITY AGENCY TO IDEN-**
9 **TIFY THREATS TO INDUSTRIAL CONTROL**
10 **SYSTEMS.**

11 (a) IN GENERAL.—Section 2209 of the Homeland
12 Security Act of 2002 (6 U.S.C. 659) is amended—

13 (1) in subsection (e)(1)—

14 (A) in subparagraph (G), by striking
15 “and;” after the semicolon;

16 (B) in subparagraph (H), by inserting
17 “and” after the semicolon; and

18 (C) by adding at the end the following new
19 subparagraph:

20 “(I) activities of the Center address the se-
21 curity of both information technology and oper-
22 ational technology, including industrial control
23 systems;”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(p) INDUSTRIAL CONTROL SYSTEMS.—The Director
2 shall maintain capabilities to identify and address threats
3 and vulnerabilities to products and technologies intended
4 for use in the automated control of critical infrastructure
5 processes. In carrying out this subsection, the Director
6 shall—

7 “(1) lead Federal Government efforts, in con-
8 sultation with Sector Risk Management Agencies, as
9 appropriate, to identify and mitigate cybersecurity
10 threats to industrial control systems, including su-
11 pervisory control and data acquisition systems;

12 “(2) maintain threat hunting and incident re-
13 sponse capabilities to respond to industrial control
14 system cybersecurity risks and incidents;

15 “(3) provide cybersecurity technical assistance
16 to industry end-users, product manufacturers, Sector
17 Risk Management Agencies, other Federal agencies,
18 and other industrial control system stakeholders to
19 identify, evaluate, assess, and mitigate
20 vulnerabilities;

21 “(4) collect, coordinate, and provide vulner-
22 ability information to the industrial control systems
23 community by, as appropriate, working closely with
24 security researchers, industry end-users, product
25 manufacturers, Sector Risk Management Agencies,

1 other Federal agencies, and other industrial control
2 systems stakeholders; and

3 “(5) conduct such other efforts and assistance
4 as the Secretary determines appropriate.”.

5 (b) REPORT TO CONGRESS.—Not later than 180 days
6 after the date of the enactment of this Act and every six
7 months thereafter during the subsequent 4-year period,
8 the Director of the Cybersecurity and Infrastructure Secu-
9 rity Agency of the Department of Homeland Security shall
10 provide to the Committee on Homeland Security of the
11 House of Representatives and the Committee on Home-
12 land Security and Governmental Affairs of the Senate a
13 briefing on the industrial control systems capabilities of
14 the Agency under section 2209 of the Homeland Security
15 Act of 2002 (6 U.S.C. 659), as amended by subsection
16 (a).

17 (c) GAO REVIEW.—Not later than 2 years after the
18 date of the enactment of this Act, the Comptroller General
19 of the United States shall review implementation of the
20 requirements of subsections (e)(1)(I) and (p) of section
21 2209 of the Homeland Security Act of 2002 (6 U.S.C.
22 659), as amended by subsection (a), and submit to the
23 Committee on Homeland Security of the House of Rep-
24 resentatives and the Committee on Homeland Security
25 and Governmental Affairs of the Senate a report that in-

1 cludes findings and recommendations relating to such im-
2 plementation. Such report shall include information on the
3 following:

4 (1) Any interagency coordination challenges to
5 the ability of the Director of the Cybersecurity and
6 Infrastructure Agency of the Department of Home-
7 land Security to lead Federal efforts to identify and
8 mitigate cybersecurity threats to industrial control
9 systems pursuant to subsection (p)(1) of such sec-
10 tion.

11 (2) The degree to which the Agency has ade-
12 quate capacity, expertise, and resources to carry out
13 threat hunting and incident response capabilities to
14 mitigate cybersecurity threats to industrial control
15 systems pursuant to subsection (p)(2) of such sec-
16 tion, as well as additional resources that would be
17 needed to close any operational gaps in such capa-
18 bilities.

19 (3) The extent to which industrial control sys-
20 tem stakeholders sought cybersecurity technical as-
21 sistance from the Agency pursuant to subsection
22 (p)(3) of such section, and the utility and effective-
23 ness of such technical assistance.

24 (4) The degree to which the Agency works with
25 security researchers and other industrial control sys-

1 tems stakeholders, pursuant to subsection (p)(4) of
2 such section, to provide vulnerability information to
3 the industrial control systems community.

4 **SEC. 6226. REPORT ON CYBERSECURITY VULNERABILITIES.**

5 (a) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, the Director of the Cyberse-
7 curity and Infrastructure Security Agency of the Depart-
8 ment of Homeland Security shall submit to the Committee
9 on Homeland Security of the House of Representatives
10 and the Committee on Homeland Security and Govern-
11 mental Affairs of the Senate a report on how the Agency
12 carries out subsection (n) of section 2209 of the Homeland
13 Security Act of 2002 to coordinate vulnerability disclo-
14 sures, including disclosures of cybersecurity vulnerabilities
15 (as such term is defined in such section), and subsection
16 (o) of such section (as added by section 5324) to dissemi-
17 nate actionable protocols to mitigate cybersecurity
18 vulnerabilities to information systems and industrial con-
19 trol systems, that include the following:

20 (1) A description of the policies and procedures
21 relating to the coordination of vulnerability disclo-
22 sures.

23 (2) A description of the levels of activity in fur-
24 therance of such subsections (n) and (o) of such sec-
25 tion 2209.

1 systems (as such term is defined in such section 2209)
2 and industrial control systems, including supervisory con-
3 trol and data acquisition systems.

4 **SEC. 6228. NATIONAL CYBER EXERCISE PROGRAM.**

5 (a) IN GENERAL.—Subtitle A of title XXII of the
6 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.),
7 as amended by section 5322 of this Act, is further amend-
8 ed by adding at the end the following new section:

9 **“SEC. 2220C. NATIONAL CYBER EXERCISE PROGRAM.**

10 “(a) ESTABLISHMENT OF PROGRAM.—

11 “(1) IN GENERAL.—There is established in the
12 Agency the National Cyber Exercise Program (re-
13 ferred to in this section as the ‘Exercise Program’)
14 to evaluate the National Cyber Incident Response
15 Plan, and other related plans and strategies.

16 “(2) REQUIREMENTS.—

17 “(A) IN GENERAL.—The Exercise Program
18 shall be—

19 “(i) based on current risk assess-
20 ments, including credible threats,
21 vulnerabilities, and consequences;

22 “(ii) designed, to the extent prac-
23 ticable, to simulate the partial or complete
24 incapacitation of a government or critical

1 infrastructure network resulting from a
2 cyber incident;

3 “(iii) designed to provide for the sys-
4 tematic evaluation of cyber readiness and
5 enhance operational understanding of the
6 cyber incident response system and rel-
7 evant information-sharing agreements; and

8 “(iv) designed to promptly develop
9 after-action reports and plans that can
10 quickly incorporate lessons learned into fu-
11 ture operations.

12 “(B) MODEL EXERCISE SELECTION.—The
13 Exercise Program shall—

14 “(i) include a selection of model exer-
15 cises that government and private entities
16 can readily adapt for use; and

17 “(ii) aid such governments and pri-
18 vate entities with the design, implementa-
19 tion, and evaluation of exercises that—

20 “(I) conform to the requirements
21 described in subparagraph (A);

22 “(II) are consistent with any ap-
23 plicable national, State, local, or Trib-
24 al strategy or plan; and

1 “(III) provide for systematic
2 evaluation of readiness.

3 “(3) CONSULTATION.—In carrying out the Ex-
4 ercise Program, the Director may consult with ap-
5 propriate representatives from Sector Risk Manage-
6 ment Agencies, cybersecurity research stakeholders,
7 and Sector Coordinating Councils.

8 “(b) DEFINITIONS.—In this section:

9 “(1) STATE.—The term ‘State’ means any
10 State of the United States, the District of Columbia,
11 the Commonwealth of Puerto Rico, the Northern
12 Mariana Islands, the United States Virgin Islands,
13 Guam, American Samoa, and any other territory or
14 possession of the United States.

15 “(2) PRIVATE ENTITY.—The term ‘private enti-
16 ty’ has the meaning given such term in section 102
17 of the Cybersecurity Information Sharing Act of
18 2015 (6 U.S.C. 1501).”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of the Homeland Security Act of 2002, as
21 amended by section 5422 of this Act, is further amended
22 by adding after the item relating to section 2220B the
23 following new item:

 “Sec. 2220C. National Cyber Exercise Program.”.

1 **Subtitle C—Transportation**
2 **Security**

3 **SEC. 6231. SURVEY OF THE TRANSPORTATION SECURITY**
4 **ADMINISTRATION WORKFORCE REGARDING**
5 **COVID-19 RESPONSE.**

6 (a) SURVEY.—Not later than 1 year after the date
7 of the enactment of this Act, the Administrator of the
8 Transportation Security Administration (referred to in
9 this section as the “Administrator”), in consultation with
10 the labor organization certified as the exclusive represent-
11 ative of full- and part-time nonsupervisory Administration
12 personnel carrying out screening functions under section
13 44901 of title 49, United States Code, shall conduct a sur-
14 vey of the Transportation Security Administration (re-
15 ferred to in this section as the “Administration”) work-
16 force regarding the Administration’s response to the
17 COVID-19 pandemic. Such survey shall be conducted in
18 a manner that allows for the greatest practicable level of
19 workforce participation.

20 (b) CONTENTS.—In conducting the survey required
21 under subsection (a), the Administrator shall solicit feed-
22 back on the following:

23 (1) The Administration’s communication and
24 collaboration with the Administration’s workforce re-
25 garding the Administration’s response to the

1 COVID–19 pandemic and efforts to mitigate and
2 monitor transmission of COVID–19 among its work-
3 force, including through—

4 (A) providing employees with personal pro-
5 tective equipment and mandating its use;

6 (B) modifying screening procedures and
7 Administration operations to reduce trans-
8 mission among officers and passengers and en-
9 suring compliance with such changes;

10 (C) adjusting policies regarding scheduling,
11 leave, and telework;

12 (D) outreach as a part of contact tracing
13 when an employee has tested positive for
14 COVID–19; and

15 (E) encouraging COVID–19 vaccinations
16 and efforts to assist employees that seek to be
17 vaccinated such as communicating the avail-
18 ability of duty time for travel to vaccination
19 sites and recovery from vaccine side effects.

20 (2) Any other topic determined appropriate by
21 the Administrator.

22 (c) REPORT.—Not later than 30 days after com-
23 pleting the survey required under subsection (a), the Ad-
24 ministration shall provide a report summarizing the re-
25 sults of the survey to the Committee on Homeland Secu-

1 rity of the House of Representatives and the Committee
2 on Commerce, Science, and Transportation of the Senate.

3 **SEC. 6232. TRANSPORTATION SECURITY PREPAREDNESS**

4 **PLAN.**

5 (a) **PLAN REQUIRED.**—Section 114 of title 49,
6 United States Code, is amended by adding at the end the
7 following new subsection:

8 “(x) **TRANSPORTATION SECURITY PREPAREDNESS**
9 **PLAN.**—

10 “(1) **IN GENERAL.**—Not later than two years
11 after the date of the enactment of this subsection,
12 the Secretary of Homeland Security, acting through
13 the Administrator, in coordination with the Chief
14 Medical Officer of the Department of Homeland Se-
15 curity and in consultation with the partners identi-
16 fied under paragraphs (3)(A)(i) through (3)(A)(iv),
17 shall develop a transportation security preparedness
18 plan to address the event of a communicable disease
19 outbreak. The Secretary, acting through the Admin-
20 istrator, shall ensure such plan aligns with relevant
21 Federal plans and strategies for communicable dis-
22 ease outbreaks.

23 “(2) **CONSIDERATIONS.**—In developing the plan
24 required under paragraph (1), the Secretary, acting

1 through the Administrator, shall consider each of
2 the following:

3 “(A) The findings of the survey required
4 under section 5331 of the National Defense Au-
5 thorization Act for Fiscal Year 2022.

6 “(B) All relevant reports and recommenda-
7 tions regarding the Administration’s response
8 to the COVID–19 pandemic, including any re-
9 ports and recommendations issued by the
10 Comptroller General and the Inspector General
11 of the Department of Homeland Security.

12 “(C) Lessons learned from Federal inter-
13 agency efforts during the COVID–19 pandemic.

14 “(3) CONTENTS OF PLAN.—The plan developed
15 under paragraph (1) shall include each of the fol-
16 lowing:

17 “(A) Plans for communicating and collabo-
18 rating in the event of a communicable disease
19 outbreak with the following partners:

20 “(i) Appropriate Federal departments
21 and agencies, including the Department of
22 Health and Human Services, the Centers
23 for Disease Control and Prevention, the
24 Department of Transportation, the De-

1 partment of Labor, and appropriate inter-
2 agency task forces.

3 “(ii) The workforce of the Administra-
4 tion, including through the labor organiza-
5 tion certified as the exclusive representa-
6 tive of full- and part-time non-supervisory
7 Administration personnel carrying out
8 screening functions under section 44901 of
9 this title.

10 “(iii) International partners, including
11 the International Civil Aviation Organiza-
12 tion and foreign governments, airports,
13 and air carriers.

14 “(iv) Public and private stakeholders,
15 as such term is defined under subsection
16 (t)(1)(C).

17 “(v) The traveling public.

18 “(B) Plans for protecting the safety of the
19 Transportation Security Administration work-
20 force, including—

21 “(i) reducing the risk of commu-
22 nicable disease transmission at screening
23 checkpoints and within the Administra-
24 tion’s workforce related to the Administra-

1 tion’s transportation security operations
2 and mission;

3 “(ii) ensuring the safety and hygiene
4 of screening checkpoints and other
5 workstations;

6 “(iii) supporting equitable and appro-
7 priate access to relevant vaccines, prescrip-
8 tions, and other medical care; and

9 “(iv) tracking rates of employee ill-
10 ness, recovery, and death.

11 “(C) Criteria for determining the condi-
12 tions that may warrant the integration of addi-
13 tional actions in the aviation screening system
14 in response to the communicable disease out-
15 break and a range of potential roles and re-
16 sponsibilities that align with such conditions.

17 “(D) Contingency plans for temporarily
18 adjusting checkpoint operations to provide for
19 passenger and employee safety while maintain-
20 ing security during the communicable disease
21 outbreak.

22 “(E) Provisions setting forth criteria for
23 establishing an interagency task force or other
24 standing engagement platform with other ap-
25 propriate Federal departments and agencies, in-

1 including the Department of Health and Human
2 Services and the Department of Transportation,
3 to address such communicable disease outbreak.

4 “(F) A description of scenarios in which
5 the Administrator should consider exercising
6 authorities provided under subsection (g) and
7 for what purposes.

8 “(G) Considerations for assessing the ap-
9 propriateness of issuing security directives and
10 emergency amendments to regulated parties in
11 various modes of transportation, including sur-
12 face transportation, and plans for ensuring
13 compliance with such measures.

14 “(H) A description of any potential obsta-
15 cles, including funding constraints and limita-
16 tions to authorities, that could restrict the abil-
17 ity of the Administration to respond appro-
18 priately to a communicable disease outbreak.

19 “(4) DISSEMINATION.—Upon development of
20 the plan required under paragraph (1), the Adminis-
21 trator shall disseminate the plan to the partners
22 identified under paragraph (3)(A) and to the Com-
23 mittee on Homeland Security of the House of Rep-
24 resentatives and the Committee on Commerce,
25 Science, and Transportation of the Senate.

1 “(5) REVIEW OF PLAN.—Not later than two
2 years after the date on which the plan is dissemi-
3 nated under paragraph (4), and biennially there-
4 after, the Secretary, acting through the Adminis-
5 trator and in coordination with the Chief Medical
6 Officer of the Department of Homeland Security,
7 shall review the plan and, after consultation with the
8 partners identified under paragraphs (3)(A)(i)
9 through (3)(A)(iv), update the plan as appropriate.”.

10 (b) COMPTROLLER GENERAL REPORT.—Not later
11 than 1 year after the date on which the transportation
12 security preparedness plan required under subsection (x)
13 of section 114 of title 49, United States Code, as added
14 by subsection (a), is disseminated under paragraph (4) of
15 such subsection (x), the Comptroller General of the United
16 States shall submit to the Committee on Homeland Secu-
17 rity of the House of Representatives and the Committee
18 on Commerce, Science, and Transportation of the Senate
19 a report containing the results of a study assessing the
20 transportation security preparedness plan, including an
21 analysis of—

22 (1) whether such plan aligns with relevant Fed-
23 eral plans and strategies for communicable disease
24 outbreaks; and

1 (2) the extent to which the Transportation Se-
2 curity Administration is prepared to implement the
3 plan.

4 **SEC. 6233. AUTHORIZATION OF TRANSPORTATION SECU-**
5 **RITY ADMINISTRATION PERSONNEL DETAILS.**

6 (a) COORDINATION.—Pursuant to sections 106(m)
7 and 114(m) of title 49, United States Code, the Adminis-
8 trator of the Transportation Security Administration may
9 provide Transportation Security Administration per-
10 sonnel, who are not engaged in front line transportation
11 security efforts, to other components of the Department
12 and other Federal agencies to improve coordination with
13 such components and agencies to prepare for, protect
14 against, and respond to public health threats to the trans-
15 portation security system of the United States.

16 (b) BRIEFING.—Not later than 180 days after the
17 date of the enactment of this Act, the Administrator shall
18 brief the appropriate congressional committees regarding
19 efforts to improve coordination with other components of
20 the Department of Homeland Security and other Federal
21 agencies to prepare for, protect against, and respond to
22 public health threats to the transportation security system
23 of the United States.

1 **SEC. 6234. TRANSPORTATION SECURITY ADMINISTRATION**

2 **PREPAREDNESS.**

3 (a) ANALYSIS.—

4 (1) IN GENERAL.—The Administrator of the
5 Transportation Security Administration shall con-
6 duct an analysis of preparedness of the transpor-
7 tation security system of the United States for pub-
8 lic health threats. Such analysis shall assess, at a
9 minimum, the following:

10 (A) The risks of public health threats to
11 the transportation security system of the
12 United States, including to transportation hubs,
13 transportation security stakeholders, Transpor-
14 tation Security Administration (TSA) per-
15 sonnel, and passengers.

16 (B) Information sharing challenges among
17 relevant components of the Department, other
18 Federal agencies, international entities, and
19 transportation security stakeholders.

20 (C) Impacts to TSA policies and proce-
21 dures for securing the transportation security
22 system.

23 (2) COORDINATION.—The analysis conducted of
24 the risks described in paragraph (1)(A) shall be con-
25 ducted in coordination with the Chief Medical Offi-
26 cer of the Department of Homeland Security, the

1 Secretary of Health and Human Services, and trans-
2 portation security stakeholders.

3 (b) BRIEFING.—Not later than 180 days after the
4 date of the enactment of this Act, the Administrator shall
5 brief the appropriate congressional committees on the fol-
6 lowing:

7 (1) The analysis required under subsection (a).

8 (2) Technologies necessary to combat public
9 health threats at security screening checkpoints to
10 better protect from future public health threats TSA
11 personnel, passengers, aviation workers, and other
12 personnel authorized to access the sterile area of an
13 airport through such checkpoints, and the estimated
14 cost of technology investments needed to fully imple-
15 ment across the aviation system solutions to such
16 threats.

17 (3) Policies and procedures implemented by
18 TSA and transportation security stakeholders to
19 protect from public health threats TSA personnel,
20 passengers, aviation workers, and other personnel
21 authorized to access the sterile area through the se-
22 curity screening checkpoints, as well as future plans
23 for additional measures relating to such protection.

24 (4) The role of TSA in establishing priorities,
25 developing solutions, and coordinating and sharing

1 information with relevant domestic and international
2 entities during a public health threat to the trans-
3 portation security system, and how TSA can im-
4 prove its leadership role in such areas.

5 (c) DEFINITIONS.—In this section:

6 (1) The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Homeland Security
9 of the House of Representatives; and

10 (B) the Committee on Homeland Security
11 and Governmental Affairs and the Committee
12 on Commerce, Science, and Transportation of
13 the Senate.

14 (2) The term “sterile area” has the meaning
15 given such term in section 1540.5 of title 49, Code
16 of Federal Regulations.

17 (3) The term “TSA” means the Transportation
18 Security Administration.

19 **SEC. 6235. PLAN TO REDUCE THE SPREAD OF**
20 **CORONAVIRUS AT PASSENGER SCREENING**
21 **CHECKPOINTS.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this Act, the Administrator, in
24 coordination with the Chief Medical Officer of the Depart-
25 ment of Homeland Security, and in consultation with the

1 Secretary of Health and Human Services and the Director
2 of the Centers for Disease Control and Prevention, shall
3 issue and commence implementing a plan to enhance, as
4 appropriate, security operations at airports during the
5 COVID–19 national emergency in order to reduce risk of
6 the spread of the coronavirus at passenger screening
7 checkpoints and among the TSA workforce.

8 (b) CONTENTS.—The plan required under subsection
9 (a) shall include the following:

10 (1) An identification of best practices developed
11 in response to the coronavirus among foreign gov-
12 ernments, airports, and air carriers conducting avia-
13 tion security screening operations, as well as among
14 Federal agencies conducting similar security screen-
15 ing operations outside of airports, including in loca-
16 tions where the spread of the coronavirus has been
17 successfully contained, that could be further inte-
18 grated into the United States aviation security sys-
19 tem.

20 (2) Specific operational changes to aviation se-
21 curity screening operations informed by the identi-
22 fication of best practices under paragraph (1) that
23 could be implemented without degrading aviation se-
24 curity and a corresponding timeline and costs for
25 implementing such changes.

1 (c) CONSIDERATIONS.—In carrying out the identi-
2 fication of best practices under subsection (b), the Admin-
3 istrator shall take into consideration the following:

4 (1) Aviation security screening procedures and
5 practices in place at security screening locations, in-
6 cluding procedures and practices implemented in re-
7 sponse to the coronavirus.

8 (2) Volume and average wait times at each such
9 security screening location.

10 (3) Public health measures already in place at
11 each such security screening location.

12 (4) The feasibility and effectiveness of imple-
13 menting similar procedures and practices in loca-
14 tions where such are not already in place.

15 (5) The feasibility and potential benefits to se-
16 curity, public health, and travel facilitation of con-
17 tinuing any procedures and practices implemented in
18 response to the COVID–19 national emergency be-
19 yond the end of such emergency.

20 (d) CONSULTATION.—In developing the plan required
21 under subsection (a), the Administrator may consult with
22 public and private stakeholders and the TSA workforce,
23 including through the labor organization certified as the
24 exclusive representative of full- and part-time non-

1 supervisory TSA personnel carrying out screening func-
2 tions under section 44901 of title 49, United States Code.

3 (e) SUBMISSION.—Upon issuance of the plan re-
4 quired under subsection (a), the Administrator shall sub-
5 mit the plan to the Committee on Homeland Security of
6 the House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate.

8 (f) ISSUANCE AND IMPLEMENTATION.—The Admin-
9 istrator shall not be required to issue or implement, as
10 the case may be, the plan required under subsection (a)
11 upon the termination of the COVID–19 national emer-
12 gency except to the extent the Administrator determines
13 such issuance or implementation, as the case may be, to
14 be feasible and beneficial to security screening operations.

15 (g) GAO REVIEW.—Not later than 1 year after the
16 issuance of the plan required under subsection (a) (if such
17 plan is issued in accordance with subsection (f)), the
18 Comptroller General of the United States shall submit to
19 the Committee on Homeland Security of the House of
20 Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate a review, if ap-
22 propriate, of such plan and any efforts to implement such
23 plan.

24 (h) DEFINITIONS.—In this section:

1 (1) The term “Administrator” means the Ad-
2 ministrator of the Transportation Security Adminis-
3 tration.

4 (2) The term “coronavirus” has the meaning
5 given such term in section 506 of the Coronavirus
6 Preparedness and Response Supplemental Appro-
7 priations Act, 2020 (Public Law 116–123).

8 (3) The term “COVID–19 national emergency”
9 means the national emergency declared by the Presi-
10 dent under the National Emergencies Act (50
11 U.S.C. 1601 et seq.) on March 13, 2020, with re-
12 spect to the coronavirus.

13 (4) The term “public and private stakeholders”
14 has the meaning given such term in section
15 114(t)(1)(C) of title 49, United States Code.

16 (5) The term “TSA” means the Transportation
17 Security Administration.

18 **SEC. 6236. COMPTROLLER GENERAL REVIEW OF DEPART-**
19 **MENT OF HOMELAND SECURITY TRUSTED**
20 **TRAVELER PROGRAMS.**

21 Not later than one year after the date of the enact-
22 ment of this Act, the Comptroller General of the United
23 States shall conduct a review of Department of Homeland
24 Security trusted traveler programs. Such review shall ex-
25 amine the following:

1 (1) The extent to which the Department of
2 Homeland Security tracks data and monitors trends
3 related to trusted traveler programs, including root
4 causes for identity-matching errors resulting in an
5 individual's enrollment in a trusted traveler program
6 being reinstated.

7 (2) Whether the Department coordinates with
8 the heads of other relevant Federal, State, local,
9 Tribal, or territorial entities regarding redress proce-
10 dures for disqualifying offenses not covered by the
11 Department's own redress processes but which of-
12 fenses impact an individual's enrollment in a trusted
13 traveler program.

14 (3) How the Department may improve individ-
15 uals' access to reconsideration procedures regarding
16 a disqualifying offense for enrollment in a trusted
17 traveler program that requires the involvement of
18 any other Federal, State, local, Tribal, or territorial
19 entity.

20 (4) The extent to which travelers are informed
21 about reconsideration procedures regarding enroll-
22 ment in a trusted traveler program.

1 **SEC. 6237. ENROLLMENT REDRESS WITH RESPECT TO DE-**
2 **PARTMENT OF HOMELAND SECURITY TRUST-**
3 **ED TRAVELER PROGRAMS.**

4 Notwithstanding any other provision of law, the Sec-
5 retary of Homeland Security shall, with respect to an indi-
6 vidual whose enrollment in a trusted traveler program was
7 revoked in error extend by an amount of time equal to
8 the period of revocation the period of active enrollment
9 in such a program upon reenrollment in such a program
10 by such an individual.

11 **SEC. 6238. THREAT INFORMATION SHARING.**

12 (a) **PRIORITIZATION.**—The Secretary of Homeland
13 Security shall prioritize the assignment of officers and in-
14 telligence analysts under section 210A of the Homeland
15 Security Act of 2002 (6 U.S.C. 124h) from the Transpor-
16 tation Security Administration and, as appropriate, from
17 the Office of Intelligence and Analysis of the Department
18 of Homeland Security, to locations with participating
19 State, local, and regional fusion centers in jurisdictions
20 with a high-risk surface transportation asset in order to
21 enhance the security of such assets, including by improv-
22 ing timely sharing, in a manner consistent with the protec-
23 tion of privacy rights, civil rights, and civil liberties, of
24 information regarding threats of terrorism and other
25 threats, including targeted violence.

1 (b) INTELLIGENCE PRODUCTS.—Officers and intel-
2 ligence analysts assigned to locations with participating
3 State, local, and regional fusion centers under this section
4 shall participate in the generation and dissemination of
5 transportation security intelligence products, with an em-
6 phasis on such products that relate to threats of terrorism
7 and other threats, including targeted violence, to surface
8 transportation assets that—

9 (1) assist State, local, and Tribal law enforce-
10 ment agencies in deploying their resources, including
11 personnel, most efficiently to help detect, prevent,
12 investigate, apprehend, and respond to such threats;

13 (2) promote more consistent and timely sharing
14 with and among jurisdictions of threat information;
15 and

16 (3) enhance the Department of Homeland Secu-
17 rity’s situational awareness of such threats.

18 (c) CLEARANCES.—The Secretary of Homeland Secu-
19 rity shall make available to appropriate owners and opera-
20 tors of surface transportation assets, and to any other per-
21 son that the Secretary determines appropriate to foster
22 greater sharing of classified information relating to
23 threats of terrorism and other threats, including targeted
24 violence, to surface transportation assets, the process of
25 application for security clearances under Executive Order

1 No. 13549 (75 Fed. Reg. 162; relating to a classified na-
2 tional security information program) or any successor Ex-
3 ecutive order.

4 (d) GAO REPORT.—Not later than 2 years after the
5 date of the enactment of this Act, the Comptroller General
6 of the United States shall submit to the Committee on
7 Homeland Security of the House of Representatives and
8 the Committee on Homeland Security and Governmental
9 Affairs of the Senate a review of the implementation of
10 this section, together with any recommendations to im-
11 prove information sharing with State, local, Tribal, terri-
12 torial, and private sector entities to prevent, identify, and
13 respond to threats of terrorism and other threats, includ-
14 ing targeted violence, to surface transportation assets.

15 (e) DEFINITIONS.—In this section:

16 (1) The term “surface transportation asset” in-
17 cludes facilities, equipment, or systems used to pro-
18 vide transportation services by—

19 (A) a public transportation agency (as
20 such term is defined in section 1402(5) of the
21 Implementing Recommendations of the 9/11
22 Commission Act of 2007 (Public Law 110–53;
23 6 U.S.C. 1131(5)));

1 (B) a railroad carrier (as such term is de-
2 fined in section 20102(3) of title 49, United
3 States Code);

4 (C) an owner or operator of—

5 (i) an entity offering scheduled, fixed-
6 route transportation services by over-the-
7 road bus (as such term is defined in sec-
8 tion 1501(4) of the Implementing Rec-
9 ommendations of the 9/11 Commission Act
10 of 2007 (Public Law 110–53; 6 U.S.C.
11 1151(4))); or

12 (ii) a bus terminal; or

13 (D) other transportation facilities, equip-
14 ment, or systems, as determined by the Sec-
15 retary.

16 (2) The term “targeted violence” means an in-
17 cident of violence in which an attacker selected a
18 particular target in order to inflict mass injury or
19 death with no discernable political or ideological mo-
20 tivation beyond mass injury or death.

21 (3) The term “terrorism” means the terms—

22 (A) domestic terrorism (as such term is de-
23 fined in section 2331(5) of title 18, United
24 States Code); and

1 (B) international terrorism (as such term
2 is defined in section 2331(1) of title 18, United
3 States Code).

4 **SEC. 6239. LOCAL LAW ENFORCEMENT SECURITY TRAIN-**
5 **ING.**

6 (a) IN GENERAL.—The Secretary of Homeland Secu-
7 rity, in consultation with public and private sector stake-
8 holders, may in a manner consistent with the protection
9 of privacy rights, civil rights, and civil liberties, develop,
10 through the Federal Law Enforcement Training Centers,
11 a training program to enhance the protection, prepared-
12 ness, and response capabilities of law enforcement agen-
13 cies with respect to threats of terrorism and other threats,
14 including targeted violence, at a surface transportation
15 asset.

16 (b) REQUIREMENTS.—If the Secretary of Homeland
17 Security develops the training program described in sub-
18 section (a), such training program shall—

19 (1) be informed by current information regard-
20 ing tactics used by terrorists and others engaging in
21 targeted violence;

22 (2) include tactical instruction tailored to the
23 diverse nature of the surface transportation asset
24 operational environment; and

1 (3) prioritize training officers from law enforce-
2 ment agencies that are eligible for or receive grants
3 under sections 2003 or 2004 of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 604 and 605) and offi-
5 cers employed by railroad carriers that operate pas-
6 senger service, including interstate passenger service.

7 (c) DEFINITIONS.—In this section:

8 (1) The term “public and private sector stake-
9 holders” has the meaning given such term in section
10 114(u)(1)(c) of title 49, United States Code.

11 (2) The term “surface transportation asset” in-
12 cludes facilities, equipment, or systems used to pro-
13 vide transportation services by—

14 (A) a public transportation agency (as
15 such term is defined in section 1402(5) of the
16 Implementing Recommendations of the 9/11
17 Commission Act of 2007 (Public Law 110–53;
18 6 U.S.C. 1131(5)));

19 (B) a railroad carrier (as such term is de-
20 fined in section 20102(3) of title 49, United
21 States Code);

22 (C) an owner or operator of—

23 (i) an entity offering scheduled, fixed-
24 route transportation services by over-the-
25 road bus (as such term is defined in sec-

1 tion 1501(4) of the Implementing Rec-
2 ommendations of the 9/11 Commission Act
3 of 2007 (Public Law 110–53; 6 U.S.C.
4 1151(4)); or

5 (ii) a bus terminal; or

6 (D) other transportation facilities, equip-
7 ment, or systems, as determined by the Sec-
8 retary.

9 (3) The term “targeted violence” means an in-
10 cident of violence in which an attacker selected a
11 particular target in order to inflict mass injury or
12 death with no discernable political or ideological mo-
13 tivation beyond mass injury or death.

14 (4) The term “terrorism” means the terms—

15 (A) domestic terrorism (as such term is de-
16 fined in section 2331(5) of title 18, United
17 States Code); and

18 (B) international terrorism (as such term
19 is defined in section 2331(1) of title 18, United
20 States Code).

21 **SEC. 6240. ALLOWABLE USES OF FUNDS FOR PUBLIC**
22 **TRANSPORTATION SECURITY ASSISTANCE**
23 **GRANTS.**

24 Subparagraph (A) of section 1406(b)(2) of the Imple-
25 menting Recommendations of the 9/11 Commission Act of

1 2007 (6 U.S.C. 1135(b)(2); Public Law 110–53) is
2 amended by inserting “and associated backfill” after “se-
3 curity training”.

4 **SEC. 6241. PERIODS OF PERFORMANCE FOR PUBLIC**
5 **TRANSPORTATION SECURITY ASSISTANCE**
6 **GRANTS.**

7 Section 1406 of the Implementing Recommendations
8 of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Pub-
9 lic Law 110–53) is amended—

10 (1) by redesignating subsection (m) as sub-
11 section (n); and

12 (2) by inserting after subsection (l) the fol-
13 lowing new subsection:

14 “(m) PERIODS OF PERFORMANCE.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), funds provided pursuant to a grant
17 awarded under this section for a use specified in
18 subsection (b) shall remain available for use by a
19 grant recipient for a period of not fewer than 36
20 months.

21 “(2) EXCEPTION.—Funds provided pursuant to
22 a grant awarded under this section for a use speci-
23 fied in subparagraph (M) or (N) of subsection (b)(1)
24 shall remain available for use by a grant recipient
25 for a period of not fewer than 55 months.”.

1 **SEC. 6242. GAO REVIEW OF PUBLIC TRANSPORTATION SE-**
2 **CURITY ASSISTANCE GRANT PROGRAM.**

3 (a) IN GENERAL.—The Comptroller General of the
4 United States shall conduct a review of the public trans-
5 portation security assistance grant program under section
6 1406 of the Implementing Recommendations of the 9/11
7 Commission Act of 2007 (6 U.S.C. 1135; Public Law
8 110–53).

9 (b) SCOPE.—The review required under paragraph
10 (1) shall include the following:

11 (1) An assessment of the type of projects fund-
12 ed under the public transportation security grant
13 program referred to in such paragraph.

14 (2) An assessment of the manner in which such
15 projects address threats to public transportation in-
16 frastructure.

17 (3) An assessment of the impact, if any, of sec-
18 tions 5342 through 5345 (including the amendments
19 made by this Act) on types of projects funded under
20 the public transportation security assistance grant
21 program.

22 (4) An assessment of the management and ad-
23 ministration of public transportation security assist-
24 ance grant program funds by grantees.

25 (5) Recommendations to improve the manner in
26 which public transportation security assistance grant

1 program funds address vulnerabilities in public
2 transportation infrastructure.

3 (6) Recommendations to improve the manage-
4 ment and administration of the public transportation
5 security assistance grant program.

6 (c) REPORT.—Not later than one year after the date
7 of the enactment of this Act and again not later than five
8 years after such date of enactment, the Comptroller Gen-
9 eral of the United States shall submit to the Committee
10 on Homeland Security of the House of Representatives
11 and the Committee on Homeland Security and Govern-
12 mental Affairs of the Senate a report on the review re-
13 quired under this section.

14 **SEC. 6243. SENSITIVE SECURITY INFORMATION; INTER-**
15 **NATIONAL AVIATION SECURITY.**

16 (a) SENSITIVE SECURITY INFORMATION.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of the enactment of this Act, the Adminis-
19 trator of the Transportation Security Administration
20 (TSA) shall—

21 (A) ensure clear and consistent designation
22 of “Sensitive Security Information”, including
23 reasonable security justifications for such des-
24 ignation;

1 (B) develop and implement a schedule to
2 regularly review and update, as necessary, TSA
3 Sensitive Security Information identification
4 guidelines;

5 (C) develop a tracking mechanism for all
6 Sensitive Security Information redaction and
7 designation challenges;

8 (D) document justifications for changes in
9 position regarding Sensitive Security Informa-
10 tion redactions and designations, and make
11 such changes accessible to TSA personnel for
12 use with relevant stakeholders, including air
13 carriers, airport operators, surface transpor-
14 tation operators, and State and local law en-
15 forcement, as necessary; and

16 (E) ensure that TSA personnel are ade-
17 quately trained on appropriate designation poli-
18 cies.

19 (2) STAKEHOLDER OUTREACH.—Not later than
20 180 days after the date of the enactment of this Act,
21 the Administrator of the Transportation Security
22 Administration (TSA) shall conduct outreach to rel-
23 evant stakeholders described in paragraph (1)(D)
24 that regularly are granted access to Sensitive Secu-
25 rity Information to raise awareness of the TSA's

1 policies and guidelines governing the designation and
2 use of Sensitive Security Information.

3 (b) INTERNATIONAL AVIATION SECURITY.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date of the enactment of this Act, the Adminis-
6 trator of the Transportation Security Administration
7 shall develop and implement guidelines with respect
8 to last point of departure airports to—

9 (A) ensure the inclusion, as appropriate, of
10 air carriers and other transportation security
11 stakeholders in the development and implemen-
12 tation of security directives and emergency
13 amendments;

14 (B) document input provided by air car-
15 riers and other transportation security stake-
16 holders during the security directive and emer-
17 gency amendment, development, and implemen-
18 tation processes;

19 (C) define a process, including timeframes,
20 and with the inclusion of feedback from air car-
21 riers and other transportation security stake-
22 holders, for cancelling or incorporating security
23 directives and emergency amendments into se-
24 curity programs;

1 (D) conduct engagement with foreign part-
2 ners on the implementation of security direc-
3 tives and emergency amendments, as appro-
4 priate, including recognition if existing security
5 measures at a last point of departure airport
6 are found to provide commensurate security as
7 intended by potential new security directives
8 and emergency amendments; and

9 (E) ensure that new security directives and
10 emergency amendments are focused on defined
11 security outcomes.

12 (2) BRIEFING TO CONGRESS.—Not later than
13 90 days after the date of the enactment of this Act,
14 the Administrator of the Transportation Security
15 Administration shall brief the Committee on Home-
16 land Security of the House of Representatives and
17 the Committee on Commerce, Science, and Trans-
18 portation of the Senate on the guidelines described
19 in paragraph (1).

20 (3) DECISIONS NOT SUBJECT TO JUDICIAL RE-
21 VIEW.—Notwithstanding any other provision of law,
22 any action of the Administrator of the Transpor-
23 tation Security Administration under paragraph (1)
24 is not subject to judicial review.

1 **TITLE LXIII—COVID-19 EMER-**
2 **GENCY MEDICAL SUPPLIES**

3 **SEC. 6301. SHORT TITLE.**

4 This title may be cited as the “COVID-19 Emer-
5 gency Medical Supplies Enhancement Act of 2021”.

6 **SEC. 6302. DETERMINATION ON EMERGENCY SUPPLIES**
7 **AND RELATIONSHIP TO STATE AND LOCAL**
8 **EFFORTS.**

9 (a) DETERMINATION.—For the purposes of section
10 101 of the Defense Production Act of 1950 (50 U.S.C.
11 4511), the following materials shall be deemed to be scarce
12 and critical materials essential to the national defense and
13 otherwise meet the requirements of section 101(b) of such
14 Act during the COVID-19 emergency period:

15 (1) Diagnostic tests, including serological tests,
16 for COVID-19 and the reagents and other materials
17 necessary for producing or conducting such tests.

18 (2) Personal protective equipment, including
19 face shields, N-95 respirator masks, and any other
20 masks determined by the Secretary of Health and
21 Human Services to be needed to respond to the
22 COVID-19 pandemic, and the materials to produce
23 such equipment.

24 (3) Medical ventilators, the components nec-
25 essary to make such ventilators, and medicines need-

1 ed to use a ventilator as a treatment for any indi-
2 vidual who is hospitalized for COVID–19.

3 (4) Pharmaceuticals and any medicines deter-
4 mined by the Food and Drug Administration or an-
5 other Government agency to be effective in treating
6 COVID–19 (including vaccines for COVID–19) and
7 any materials necessary to produce or use such
8 pharmaceuticals or medicines (including self-injec-
9 tion syringes or other delivery systems).

10 (5) Any other medical equipment or supplies
11 determined by the Secretary of Health and Human
12 Services or the Secretary of Homeland Security to
13 be scarce and critical materials essential to the na-
14 tional defense for purposes of section 101 of the De-
15 fense Production Act of 1950 (50 U.S.C. 4511).

16 (b) EXERCISE OF TITLE I AUTHORITIES IN RELA-
17 TION TO CONTRACTS BY STATE AND LOCAL GOVERN-
18 MENTS.—In exercising authorities under title I of the De-
19 fense Production Act of 1950 (50 U.S.C. 4511 et seq.)
20 during the COVID–19 emergency period, the President
21 (and any officer or employee of the United States to which
22 authorities under such title I have been delegated)—

23 (1) may exercise the prioritization or allocation
24 authority provided in such title I to exclude any ma-
25 terials described in subsection (a) ordered by a State

1 or local government that are scheduled to be deliv-
2 ered within 15 days of the time at which—

3 (A) the purchase order or contract by the
4 Federal Government for such materials is
5 made; or

6 (B) the materials are otherwise allocated
7 by the Federal Government under the authori-
8 ties contained in such Act; and

9 (2) shall, within 24 hours of any exercise of the
10 prioritization or allocation authority provided in such
11 title I—

12 (A) notify any State or local government if
13 the exercise of such authorities would delay the
14 receipt of such materials ordered by such gov-
15 ernment; and

16 (B) take such steps as may be necessary to
17 ensure that such materials ordered by such gov-
18 ernment are delivered in the shortest possible
19 period.

20 (c) UPDATE TO THE FEDERAL ACQUISITION REGU-
21 LATION.—Not later than 15 days after the date of the en-
22 actment of this Act, the Federal Acquisition Regulation
23 shall be revised to reflect the requirements of subsection
24 (b)(1).

1 **SEC. 6303. ENGAGEMENT WITH THE PRIVATE SECTOR.**

2 (a) SENSE OF CONGRESS.—The Congress—

3 (1) appreciates the willingness of private com-
4 panies not traditionally involved in producing items
5 for the health sector to volunteer to use their exper-
6 tise and supply chains to produce essential medical
7 supplies and equipment;

8 (2) encourages other manufacturers to review
9 their existing capacity and to develop capacity to
10 produce essential medical supplies, medical equip-
11 ment, and medical treatments to address the
12 COVID–19 emergency; and

13 (3) commends and expresses deep appreciation
14 to individual citizens who have been producing per-
15 sonal protective equipment and other materials for,
16 in particular, use at hospitals in their community.

17 (b) OUTREACH REPRESENTATIVE.—

18 (1) DESIGNATION.—Consistent with the au-
19 thorities in title VII of the Defense Production Act
20 of 1950 (50 U.S.C. 4551 et seq.), the Administrator
21 of the Federal Emergency Management Agency, in
22 consultation with the Secretary of Health and
23 Human Services, shall designate or shall appoint,
24 pursuant to section 703 of such Act (50 U.S.C.
25 4553), an individual to be known as the “Outreach
26 Representative”. Such individual shall—

1 (A) be appointed from among individuals
2 with substantial experience in the private sector
3 in the production of medical supplies or equip-
4 ment; and

5 (B) act as the Government-wide single
6 point of contact during the COVID–19 emer-
7 gency for outreach to manufacturing companies
8 and their suppliers who may be interested in
9 producing medical supplies or equipment, in-
10 cluding the materials described under section
11 6302.

12 (2) ENCOURAGING PARTNERSHIPS.—The Out-
13 reach Representative shall seek to develop partner-
14 ships between companies, in coordination with the
15 Supply Chain Stabilization Task Force or any over-
16 all coordinator appointed by the President to oversee
17 the response to the COVID–19 emergency, including
18 through the exercise of the authorities under section
19 708 of the Defense Production Act of 1950 (50
20 U.S.C. 4558).

21 **SEC. 6304. ENHANCEMENT OF SUPPLY CHAIN PRODUCTION.**

22 In exercising authority under title III of the Defense
23 Production Act of 1950 (50 U.S.C. 4531 et seq.) with re-
24 spect to materials described in section 6302, the President
25 shall seek to ensure that support is provided to companies

1 that comprise the supply chains for reagents, components,
2 raw materials, and other materials and items necessary
3 to produce or use the materials described in section 6302.

4 **SEC. 6305. OVERSIGHT OF CURRENT ACTIVITY AND NEEDS.**

5 (a) RESPONSE TO IMMEDIATE NEEDS.—

6 (1) IN GENERAL.—Not later than 7 days after
7 the date of the enactment of this Act, the President,
8 in coordination with the National Response Coordi-
9 nation Center of the Federal Emergency Manage-
10 ment Agency, the Administrator of the Defense Lo-
11 gistics Agency, the Secretary of Health and Human
12 Services, the Secretary of Veterans Affairs, and
13 heads of other Federal agencies (as appropriate),
14 shall submit to the appropriate congressional com-
15 mittees a report assessing the immediate needs de-
16 scribed in paragraph (2) to combat the COVID–19
17 pandemic and the plan for meeting those immediate
18 needs.

19 (2) ASSESSMENT.—The report required by this
20 subsection shall include—

21 (A) an assessment of the needs for medical
22 supplies or equipment necessary to address the
23 needs of the population of the United States in-
24 fected by the virus SARS–CoV–2 that causes
25 COVID–19 and to prevent an increase in the

1 incidence of COVID–19 throughout the United
2 States, including diagnostic tests, serological
3 tests, medicines that have been approved by the
4 Food and Drug Administration to treat
5 COVID–19, and ventilators and medicines
6 needed to employ ventilators;

7 (B) based on meaningful consultations
8 with relevant stakeholders, an assessment of the
9 need for personal protective equipment and
10 other supplies (including diagnostic tests) re-
11 quired by—

12 (i) health professionals, health work-
13 ers, and hospital staff;

14 (ii) workers in industries and sectors
15 described in the “Advisory Memorandum
16 on Identification of Essential Critical In-
17 frastructure Workers during the COVID–
18 19 Response” issued by the Director of
19 Cybersecurity and Infrastructure Security
20 Agency of the Department of Homeland
21 Security on April 17, 2020 (and any ex-
22 pansion of industries and sectors included
23 in updates to such advisory memorandum);
24 and

1 (iii) other workers determined to be
2 essential based on such consultation;

3 (C) an assessment of the quantities of
4 equipment and supplies in the Strategic Na-
5 tional Stockpile (established under section
6 319F-2 of the Public Health Service Act (42
7 U.S.C. 247d-6b(a)(1))) as of the date of the re-
8 port, and the projected gap between the quan-
9 tities of equipment and supplies identified as
10 needed in the assessment under subparagraphs
11 (A) and (B) and the quantities in the Strategic
12 National Stockpile;

13 (D) an identification of the industry sec-
14 tors and manufacturers most ready to fulfill
15 purchase orders for such equipment and sup-
16 plies (including manufacturers that may be
17 incentivized) through the exercise of authority
18 under section 303(e) of the Defense Production
19 Act of 1950 (50 U.S.C. 4533(e)) to modify, ex-
20 pand, or improve production processes to manu-
21 facture such equipment and supplies to respond
22 immediately to a need identified in subpara-
23 graph (A) or (B);

24 (E) an identification of Government-owned
25 and privately-owned stockpiles of such equip-

1 ment and supplies not included in the Strategic
2 National Stockpile that could be repaired or re-
3 furnished;

4 (F) an identification of previously distrib-
5 uted critical supplies that can be redistributed
6 based on current need;

7 (G) a description of any exercise of the au-
8 thorities described under subsection (a)(5) or
9 (b)(1) of section 6302; and

10 (H) an identification of critical areas of
11 need, by county and by areas identified by the
12 Indian Health Service, in the United States and
13 the metrics and criteria for identification as a
14 critical area.

15 (3) PLAN.—The report required by this sub-
16 section shall include a plan for meeting the imme-
17 diate needs to combat the COVID–19 pandemic, in-
18 cluding the needs described in paragraph (1). Such
19 plan shall include—

20 (A) each contract the Federal Government
21 has entered into to meet such needs, including
22 the purpose of each contract, the type and
23 amount of equipment, supplies, or services to be
24 provided under the contract, the entity per-

1 forming such contract, and the dollar amount
2 of each contract;

3 (B) each contract that the Federal Govern-
4 ment intends to enter into within 14 days after
5 submission of such report, including the infor-
6 mation described in subparagraph (A) for each
7 such contract; and

8 (C) whether any of the contracts described
9 in subparagraph (A) or (B) have or will have a
10 priority rating under the Defense Production
11 Act of 1950 (50 U.S.C. 4501 et seq.), including
12 purchase orders pursuant to Department of De-
13 fense Directive 4400.1 (or any successor direc-
14 tive), subpart A of part 101 of title 45, Code
15 of Federal Regulations, or any other applicable
16 authority.

17 (4) **ADDITIONAL REQUIREMENTS.**—The report
18 required by this subsection, and each update re-
19 quired by paragraph (5), shall include—

20 (A) any requests for equipment and sup-
21 plies from State or local governments and In-
22 dian Tribes, and an accompanying list of the
23 employers and unions consulted in developing
24 these requests;

1 (B) any modeling or formulas used to de-
2 termine allocation of equipment and supplies,
3 and any related chain of command issues on
4 making final decisions on allocations;

5 (C) the amount and destination of equip-
6 ment and supplies delivered;

7 (D) an explanation of why any portion of
8 any contract, whether to replenish the Strategic
9 National Stockpile or otherwise, will not be
10 filled;

11 (E) of products procured under this sec-
12 tion, the percentage of such products that are
13 used to replenish the Strategic National Stock-
14 pile, that are targeted to COVID–19 hotspots,
15 and that are used for the commercial market;

16 (F) metrics, formulas, and criteria used to
17 determine COVID–19 hotspots or areas of crit-
18 ical need for a State, county, or an area identi-
19 fied by the Indian Health Service;

20 (G) production and procurement bench-
21 marks, where practicable; and

22 (H) results of the consultation with the
23 relevant stakeholders required by paragraph
24 (2)(B).

1 (5) UPDATES.—The President, in coordination
2 with the National Response Coordination Center of
3 the Federal Emergency Management Agency, the
4 Administrator of the Defense Logistics Agency, the
5 Secretary of Health and Human Services, the Sec-
6 retary of Veterans Affairs, and heads of other Fed-
7 eral agencies (as appropriate), shall update such re-
8 port every 14 days.

9 (6) PUBLIC AVAILABILITY.—The President
10 shall make the report required by this subsection
11 and each update required by paragraph (5) available
12 to the public, including on a Government website.

13 (b) RESPONSE TO LONGER-TERM NEEDS.—

14 (1) IN GENERAL.—Not later than 14 days after
15 the date of enactment of this Act, the President, in
16 coordination with the National Response Coordina-
17 tion Center of the Federal Emergency Management
18 Agency, the Administrator of the Defense Logistics
19 Agency, the Secretary of Health and Human Serv-
20 ices, the Secretary of Veterans Affairs, and heads of
21 other Federal agencies (as appropriate), shall submit
22 to the appropriate congressional committees a report
23 containing an assessment of the needs described in
24 paragraph (2) to combat the COVID–19 pandemic
25 and the plan for meeting such needs during the 6-

1 month period beginning on the date of submission of
2 the report.

3 (2) ASSESSMENT.—The report required by this
4 subsection shall include—

5 (A) an assessment of the elements de-
6 scribed in subparagraphs (A) through (E) and
7 subparagraph (H) of subsection (a)(2); and

8 (B) an assessment of needs related to
9 COVID–19 vaccines and any additional services
10 to address the COVID–19 pandemic, including
11 services related to health surveillance to ensure
12 that the appropriate level of contact tracing re-
13 lated to detected infections is available through-
14 out the United States.

15 (3) PLAN.—The report required by this sub-
16 section shall include a plan for meeting the longer-
17 term needs to combat the COVID–19 pandemic, in-
18 cluding the needs described in paragraph (1). This
19 plan shall include—

20 (A) a plan to exercise authorities under the
21 Defense Production Act of 1950 (50 U.S.C.
22 4501 et seq.) necessary to increase the produc-
23 tion of the medical equipment, supplies, and
24 services that are essential to meeting the needs
25 identified in paragraph (2) (including the num-

1 ber of N-95 respirator masks and other per-
2 sonal protective equipment needed), based on
3 meaningful consultations with relevant stake-
4 holders—

5 (i) by the private sector to resume
6 economic activity; and

7 (ii) by the public and nonprofit sec-
8 tors to significantly increase their activi-
9 ties;

10 (B) results of the consultations with the
11 relevant stakeholders required by subparagraph
12 (A)(ii);

13 (C) an estimate of the funding and other
14 measures necessary to rapidly expand manufac-
15 turing production capacity for such equipment
16 and supplies, including—

17 (i) any efforts to expand, retool, or re-
18 configure production lines;

19 (ii) any efforts to establish new pro-
20 duction lines through the purchase and in-
21 stallation of new equipment; or

22 (iii) the issuance of additional con-
23 tracts, purchase orders, purchase guaran-
24 tees, or other similar measures;

1 (D) each contract the Federal Government
2 has entered into to meet such needs or expand
3 such production, the purpose of each contract,
4 the type and amount of equipment, supplies, or
5 services to be provided under the contract, the
6 entity performing such contract, and the dollar
7 amount of each contract;

8 (E) each contract that the Federal Govern-
9 ment intends to enter into within 14 days after
10 submission of such report, including the infor-
11 mation described in subparagraph (D) for each
12 such contract;

13 (F) whether any of the contracts described
14 in subparagraph (D) or (E) have or will have
15 a priority rating under the Defense Production
16 Act of 1950 (50 U.S.C. 4501 et seq.), including
17 purchase orders pursuant to Department of De-
18 fense Directive 4400.1 (or any successor direc-
19 tive), subpart A of part 101 of title 45, Code
20 of Federal Regulations, or any other applicable
21 authority; and

22 (G) the manner in which the Defense Pro-
23 duction Act of 1950 (50 U.S.C. 4501 et seq.)
24 could be used to increase services necessary to

1 combat the COVID–19 pandemic, including
2 services described in paragraph (2)(B).

3 (4) UPDATES.—The President, in coordination
4 with the National Response Coordination Center of
5 the Federal Emergency Management Agency, the
6 Administrator of the Defense Logistics Agency, the
7 Secretary of Health and Human Services, the Sec-
8 retary of Veterans Affairs, and heads of other Fed-
9 eral agencies (as appropriate), shall update such re-
10 port every 14 days.

11 (5) PUBLIC AVAILABILITY.—The President
12 shall make the report required by this subsection
13 and each update required by paragraph (4) available
14 to the public, including on a Government website.

15 (c) REPORT ON EXERCISING AUTHORITIES UNDER
16 THE DEFENSE PRODUCTION ACT OF 1950.—

17 (1) IN GENERAL.—Not later than 14 days after
18 the date of the enactment of this Act, the President,
19 in consultation with the Administrator of the Fed-
20 eral Emergency Management Agency, the Secretary
21 of Defense, and the Secretary of Health and Human
22 Services, shall submit to the appropriate congres-
23 sional committees a report on the exercise of au-
24 thorities under titles I, III, and VII of the Defense

1 Production Act of 1950 (50 U.S.C. 4501 et seq.)
2 prior to the date of such report.

3 (2) CONTENTS.—The report required under
4 paragraph (1) and each update required under para-
5 graph (3) shall include, with respect to each exercise
6 of such authority—

7 (A) an explanation of the purpose of the
8 applicable contract, purchase order, or other ex-
9 ercise of authority (including an allocation of
10 materials, services, and facilities under section
11 101(a)(2) of the Defense Production Act of
12 1950 (50 U.S.C. 4511(a)(2)));

13 (B) the cost of such exercise of authority;
14 and

15 (C) if applicable—

16 (i) the amount of goods that were
17 purchased or allocated;

18 (ii) an identification of the entity
19 awarded a contract or purchase order or
20 that was the subject of the exercise of au-
21 thority; and

22 (iii) an identification of any entity
23 that had shipments delayed by the exercise
24 of any authority under the Defense Pro-

1 duction Act of 1950 (50 U.S.C. 4501 et
2 seq.).

3 (3) UPDATES.—The President shall update the
4 report required under paragraph (1) every 14 days.

5 (4) PUBLIC AVAILABILITY.—The President
6 shall make the report required by this subsection
7 and each update required by paragraph (3) available
8 to the public, including on a Government website.

9 (d) QUARTERLY REPORTING.—The President shall
10 submit to Congress, and make available to the public (in-
11 cluding on a Government website), a quarterly report de-
12 tailing all expenditures made pursuant to titles I, III, and
13 VII of the Defense Production Act of 1950 (50 U.S.C.
14 4501 et seq.).

15 (e) SUNSET.—The requirements of this section shall
16 terminate on the later of—

17 (1) December 31, 2021; or

18 (2) the end of the COVID–19 emergency pe-
19 riod.

20 **SEC. 6306. ENHANCEMENTS TO THE DEFENSE PRODUCTION**
21 **ACT OF 1950.**

22 (a) HEALTH EMERGENCY AUTHORITY.—Section 107
23 of the Defense Production Act of 1950 (50 U.S.C. 4517)
24 is amended by adding at the end the following:

1 “(c) HEALTH EMERGENCY AUTHORITY.—With re-
2 spect to a public health emergency declaration by the Sec-
3 retary of Health and Human Services under section 319
4 of the Public Health Service Act, or preparations for such
5 a health emergency, the Secretary of Health and Human
6 Services and the Administrator of the Federal Emergency
7 Management Agency are authorized to carry out the au-
8 thorities provided under this section to the same extent
9 as the President.”.

10 (b) EMPHASIS ON BUSINESS CONCERNS OWNED BY
11 WOMEN, MINORITIES, VETERANS, AND NATIVE AMERI-
12 CANS.—Section 108 of the Defense Production Act of
13 1950 (50 U.S.C. 4518) is amended—

14 (1) in the heading, by striking “**MODERNIZA-**
15 **TION OF SMALL BUSINESS SUPPLIERS**” and in-
16 serting “**SMALL BUSINESS PARTICIPATION AND**
17 **FAIR INCLUSION**”;

18 (2) by amending subsection (a) to read as fol-
19 lows:

20 “(a) PARTICIPATION AND INCLUSION.—

21 “(1) IN GENERAL.—In providing any assistance
22 under this Act, the President shall accord a strong
23 preference for subcontractors and suppliers that
24 are—

25 “(A) small business concerns; or

1 “(B) businesses of any size owned by
2 women, minorities, veterans, and the disabled.

3 “(2) SPECIAL CONSIDERATION.—To the max-
4 imum extent practicable, the President shall accord
5 the preference described under paragraph (1) to
6 small business concerns and businesses described in
7 paragraph (1)(B) that are located in areas of high
8 unemployment or areas that have demonstrated a
9 continuing pattern of economic decline, as identified
10 by the Secretary of Labor.”; and

11 (3) by adding at the end the following:

12 “(c) MINORITY DEFINED.—In this section, the term
13 ‘minority’—

14 “(1) has the meaning given the term in section
15 308(b) of the Financial Institutions Reform, Recov-
16 ery, and Enforcement Act of 1989; and

17 “(2) includes any indigenous person in the
18 United States, including any territories of the
19 United States.”.

20 (c) ADDITIONAL INFORMATION IN ANNUAL RE-
21 PORT.—Section 304(f)(3) of the Defense Production Act
22 of 1950 (50 U.S.C. 4534(f)(3)) is amended by striking
23 “year.” and inserting “year, including the percentage of
24 contracts awarded using Fund amounts to each of the
25 groups described in section 108(a)(1)(B) (and, with re-

1 spect to minorities, disaggregated by ethnic group), and
2 the percentage of the total amount expended during such
3 fiscal year on such contracts.”.

4 (d) DEFINITION OF NATIONAL DEFENSE.—Section
5 702(14) of the Defense Production Act of 1950 is amend-
6 ed by striking “and critical infrastructure protection and
7 restoration” and inserting “, critical infrastructure protec-
8 tion and restoration, and health emergency preparedness
9 and response activities”.

10 **SEC. 6307. SECURING ESSENTIAL MEDICAL MATERIALS.**

11 (a) STATEMENT OF POLICY.—Section 2(b) of the De-
12 fense Production Act of 1950 (50 U.S.C. 4502) is amend-
13 ed—

14 (1) by redesignating paragraphs (3) through
15 (8) as paragraphs (4) through (9), respectively; and

16 (2) by inserting after paragraph (2) the fol-
17 lowing:

18 “(3) authorities under this Act should be used
19 when appropriate to ensure the availability of med-
20 ical materials essential to national defense, including
21 through measures designed to secure the drug sup-
22 ply chain, and taking into consideration the impor-
23 tance of United States competitiveness, scientific
24 leadership and cooperation, and innovative capac-
25 ity;”.

1 (b) STRENGTHENING DOMESTIC CAPABILITY.—Sec-
2 tion 107 of the Defense Production Act of 1950 (50
3 U.S.C. 4517) is amended—

4 (1) in subsection (a), by inserting “(including
5 medical materials)” after “materials”; and

6 (2) in subsection (b)(1), by inserting “(includ-
7 ing medical materials such as drugs to diagnose,
8 cure, mitigate, treat, or prevent disease that essen-
9 tial to national defense)” after “essential materials”.

10 (c) STRATEGY ON SECURING SUPPLY CHAINS FOR
11 MEDICAL ARTICLES.—Title I of the Defense Production
12 Act of 1950 (50 U.S.C. 4511 et seq.) is amended by add-
13 ing at the end the following:

14 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
15 **MEDICAL MATERIALS.**

16 “(a) IN GENERAL.—Not later than 180 days after
17 the date of the enactment of this section, the President,
18 in consultation with the Secretary of Health and Human
19 Services, the Secretary of Commerce, the Secretary of
20 Homeland Security, and the Secretary of Defense, shall
21 transmit a strategy to the appropriate Members of Con-
22 gress that includes the following:

23 “(1) A detailed plan to use the authorities
24 under this title and title III, or any other provision
25 of law, to ensure the supply of medical materials (in-

1 cluding drugs to diagnose, cure, mitigate, treat, or
2 prevent disease) essential to national defense, to the
3 extent necessary for the purposes of this Act.

4 “(2) An analysis of vulnerabilities to existing
5 supply chains for such medical articles, and rec-
6 ommendations to address the vulnerabilities.

7 “(3) Measures to be undertaken by the Presi-
8 dent to diversify such supply chains, as appropriate
9 and as required for national defense.

10 “(4) A discussion of—

11 “(A) any significant effects resulting from
12 the plan and measures described in this sub-
13 section on the production, cost, or distribution
14 of vaccines or any other drugs (as defined
15 under section 201 of the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. 321));

17 “(B) a timeline to ensure that essential
18 components of the supply chain for medical ma-
19 terials are not under the exclusive control of a
20 foreign government in a manner that the Presi-
21 dent determines could threaten the national de-
22 fense of the United States; and

23 “(C) efforts to mitigate any risks resulting
24 from the plan and measures described in this
25 subsection to United States competitiveness,

1 scientific leadership, and innovative capacity,
2 including efforts to cooperate and proactively
3 engage with United States allies.

4 “(b) PROGRESS REPORT.—Following submission of
5 the strategy under subsection (a), the President shall sub-
6 mit to the appropriate Members of Congress an annual
7 progress report evaluating the implementation of the
8 strategy, and may include updates to the strategy as ap-
9 propriate. The strategy and progress reports shall be sub-
10 mitted in unclassified form but may contain a classified
11 annex.

12 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
13 term ‘appropriate Members of Congress’ means the
14 Speaker, majority leader, and minority leader of the
15 House of Representatives, the majority leader and minor-
16 ity leader of the Senate, the Chairman and Ranking Mem-
17 ber of the Committees on Armed Services and Financial
18 Services of the House of Representatives, and the Chair-
19 man and Ranking Member of the Committees on Armed
20 Services and Banking, Housing, and Urban Affairs of the
21 Senate.”.

22 **SEC. 6308. GAO REPORT.**

23 (a) IN GENERAL.—Not later than 270 days after the
24 date of the enactment of this Act, and annually thereafter,
25 the Comptroller General of the United States shall submit

1 to the appropriate congressional committees a report on
2 ensuring that the United States Government has access
3 to the medical supplies and equipment necessary to re-
4 spond to future pandemics and public health emergencies,
5 including recommendations with respect to how to ensure
6 that the United States supply chain for diagnostic tests
7 (including serological tests), personal protective equip-
8 ment, vaccines, and therapies is better equipped to re-
9 spond to emergencies, including through the use of funds
10 in the Defense Production Act Fund under section 304
11 of the Defense Production Act of 1950 (50 U.S.C. 4534)
12 to address shortages in that supply chain.

13 (b) REVIEW OF ASSESSMENT AND PLAN.—

14 (1) IN GENERAL.—Not later than 30 days after
15 each of the submission of the reports described in
16 subsections (a) and (b) of section 5405, the Comp-
17 troller General of the United States shall submit to
18 the appropriate congressional committees an assess-
19 ment of such reports, including identifying any gaps
20 and providing any recommendations regarding the
21 subject matter in such reports.

22 (2) MONTHLY REVIEW.—Not later than a
23 month after the submission of the assessment under
24 paragraph (1), and monthly thereafter, the Comp-
25 troller General shall issue a report to the appro-

1 appropriate congressional committees with respect to any
2 updates to the reports described in subsections (a)
3 and (b) of section 5405 that were issued during the
4 previous 1-month period, containing an assessment
5 of such updates, including identifying any gaps and
6 providing any recommendations regarding the sub-
7 ject matter in such updates.

8 **SEC. 6309. DEFINITIONS.**

9 In this title:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means the Committees on Appropriations,
13 Armed Services, Energy and Commerce, Financial
14 Services, Homeland Security, and Veterans’ Affairs
15 of the House of Representatives and the Committees
16 on Appropriations, Armed Services, Banking, Hous-
17 ing, and Urban Affairs, Health, Education, Labor,
18 and Pensions, Homeland Security and Governmental
19 Affairs, and Veterans’ Affairs of the Senate.

20 (2) **COVID–19 EMERGENCY PERIOD.**—The
21 term “COVID–19 emergency period” means the pe-
22 riod beginning on the date of enactment of this Act
23 and ending after the end of the incident period for
24 the emergency declared on March 13, 2020, by the
25 President under section 501 of the Robert T. Staf-

1 ford Disaster Relief and Emergency Assistance Act
2 (42 U.S.C. 4121 et seq.) relating to the Coronavirus
3 Disease 2019 (COVID–19) pandemic.

4 (3) RELEVANT STAKEHOLDER.—The term “rel-
5 evant stakeholder” means—

6 (A) representative private sector entities;

7 (B) representatives of the nonprofit sector;

8 and

9 (C) representatives of labor organizations
10 representing workers, including unions that rep-
11 resent health workers, manufacturers, public
12 sector employees, and service sector workers.

13 (4) STATE.—The term “State” means each of
14 the several States, the District of Columbia, the
15 Commonwealth of Puerto Rico, and any territory or
16 possession of the United States.

17 **TITLE LXIV—OTHER MATTERS**

18 **SEC. 6401. FAA RATING OF CIVILIAN PILOTS OF THE DE-** 19 **PARTMENT OF DEFENSE.**

20 (a) ELIGIBILITY FOR CERTAIN RATINGS.—Not later
21 than 18 months after the date of the enactment of this
22 Act, the Administrator of the Federal Aviation Adminis-
23 tration shall revise section 61.73 of title 14, Code of Fed-
24 eral Regulations to ensure that a Department of Defense
25 civilian pilot is eligible for a rating based on qualifications

1 earned as a Department of Defense pilot, pilot instructor,
2 or pilot examiner in the same manner that a military pilot
3 is eligible for such a rating based on qualifications earned
4 as a military pilot, pilot instructor, or pilot examiner.

5 (b) DEFINITIONS.—In this section:

6 (1) The term “Department of Defense civilian
7 pilot”—

8 (A) means an individual, other than a mili-
9 tary pilot, who is employed as a pilot by the De-
10 partment of Defense; and

11 (B) does not include a contractor of the
12 Department of Defense.

13 (2) The term “military pilot” means a military
14 pilot, as such term is used in section 61.73 of title
15 14, Code of Federal Regulations (as in effect on the
16 date of the enactment of this Act).

17 **SEC. 6402. PROPERTY DISPOSITION FOR AFFORDABLE**
18 **HOUSING.**

19 Section 5334(h)(1) of title 49, United States Code,
20 is amended to read as follows:

21 “(1) IN GENERAL.—If a recipient of assistance
22 under this chapter decides an asset acquired under
23 this chapter at least in part with that assistance is
24 no longer needed for the purpose for which such

1 asset was acquired, the Secretary may authorize the
2 recipient to transfer such asset to—

3 “(A) a local governmental authority to be
4 used for a public purpose with no further obli-
5 gation to the Government if the Secretary de-
6 cides—

7 “(i) the asset will remain in public use
8 for at least 5 years after the date the asset
9 is transferred;

10 “(ii) there is no purpose eligible for
11 assistance under this chapter for which the
12 asset should be used;

13 “(iii) the overall benefit of allowing
14 the transfer is greater than the interest of
15 the Government in liquidation and return
16 of the financial interest of the Government
17 in the asset, after considering fair market
18 value and other factors; and

19 “(iv) through an appropriate screen-
20 ing or survey process, that there is no in-
21 terest in acquiring the asset for Govern-
22 ment use if the asset is a facility or land;
23 or

24 “(B) a local governmental authority, non-
25 profit organization, or other third party entity

1 to be used for the purpose of transit-oriented
2 development with no further obligation to the
3 Government if the Secretary decides—

4 “(i) the asset is a necessary compo-
5 nent of a proposed transit-oriented devel-
6 opment project;

7 “(ii) the transit-oriented development
8 project will increase transit ridership;

9 “(iii) at least 40 percent of the hous-
10 ing units offered in the transit-oriented de-
11 velopment, including housing units owned
12 by nongovernmental entities, are legally
13 binding affordability restricted to tenants
14 with incomes at or below 60 percent of the
15 area median income and owners with in-
16 comes at or below 60 percent the area me-
17 dian income, which shall include at least
18 20 percent of such housing units offered
19 restricted to tenants with incomes at or
20 below 30 percent of the area median in-
21 come and owners with incomes at or below
22 30 percent the area median income;

23 “(iv) the asset will remain in use as
24 described in this section for at least 30

1 years after the date the asset is trans-
2 ferred; and

3 “(v) with respect to a transfer to a
4 third party entity—

5 “(I) a local government authority
6 or nonprofit organization is unable to
7 receive the property;

8 “(II) the overall benefit of allow-
9 ing the transfer is greater than the in-
10 terest of the Government in liquida-
11 tion and return of the financial inter-
12 est of the Government in the asset,
13 after considering fair market value
14 and other factors; and

15 “(III) the third party has dem-
16 onstrated a satisfactory history of
17 construction or operating an afford-
18 able housing development.”.

19 **SEC. 6403. REQUIREMENT TO ESTABLISH A NATIONAL NET-**
20 **WORK FOR MICROELECTRONICS RESEARCH**
21 **AND DEVELOPMENT.**

22 Section 9903(b)(1) of the William M. (Mac) Thorn-
23 berry National Defense Authorization Act for Fiscal Year
24 2021 (Public Law 116-283) is amended in the matter pre-

1 ceding subparagraph (A) by striking “may” and inserting
2 “shall”.

3 **SEC. 6404. DEFINITION OF STATE FOR PURPOSES OF OMNI-**
4 **BUS CRIME CONTROL AND SAFE STREETS**
5 **ACT OF 1968.**

6 Section 901(a)(2) of title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (34 U.S.C.
8 10251(a)(2)) is amended by striking “Northern Mariana
9 Islands” and all that follows through “Commonwealth of
10 the Northern Mariana Islands.” and inserting “Northern
11 Mariana Islands;”.

12 **SEC. 6405. ADVANCING MUTUAL INTERESTS AND GROWING**
13 **OUR SUCCESS.**

14 (a) NONIMMIGRANT TRADERS AND INVESTORS.—For
15 purposes of clauses (i) and (ii) of section 101(a)(15)(E)
16 of the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(15)(E)), Portugal shall be considered to be a for-
18 eign state described in such section if the Government of
19 Portugal provides similar nonimmigrant status to nation-
20 als of the United States.

21 (c) MODIFICATION OF ELIGIBILITY CRITERIA FOR E
22 VISAS.—Section 101(a)(15)(E) of the Immigration and
23 Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—
24 (1) in the matter preceding clause (i)—

1 (A) by inserting “(or, in the case of an
2 alien who acquired the relevant nationality
3 through a financial investment and who has not
4 previously been granted status under this sub-
5 paragraph, the foreign state of which the alien
6 is a national and in which the alien has been
7 domiciled for a continuous period of not less
8 than 3 years at any point before applying for
9 a nonimmigrant visa under this subparagraph)”
10 before “, and the spouse”; and

11 (B) by striking “him” and inserting “such
12 alien”; and

13 (2) by striking “he” each place such term ap-
14 pears and inserting “the alien”.

15 **SEC. 6406. DEPARTMENT OF VETERANS AFFAIRS GOV-
16 ERNORS CHALLENGE GRANT PROGRAM.**

17 (a) **GOVERNORS CHALLENGE PROGRAM.**—The Sec-
18 retary of Veterans Affairs shall carry out a grant program
19 to be known as the “Governors Challenge Program” under
20 which the Secretary shall provide technical assistance to
21 States and American Indian and Alaska Native tribes for
22 the development of veteran suicide prevention activities.

23 (b) **GOVERNORS CHALLENGE IMPLEMENTATION
24 GRANT PROGRAM.**—

1 (1) AUTHORITY.—The Secretary of Veterans
2 Affairs shall carry out a grant program, to be known
3 as the “Governors Challenge Implementation Grant
4 Program” under which the Secretary shall make
5 grants to eligible entities for the purpose of devel-
6 oping and implementing plans developed by the enti-
7 ties to prevent veteran suicides.

8 (2) ELIGIBLE ENTITIES.—For purposes of the
9 grant program under paragraph (1), an eligible enti-
10 ty is a State or an American Indian or Alaska Na-
11 tive tribe—

12 (A) that—

13 (i) in the case of a State, develops a
14 veteran suicide prevention plan, known as
15 a “Governors Challenge Action Plan”; or

16 (ii) in the case of an American Indian
17 or Alaska Native tribe, develops a veteran
18 suicide prevention plan; and

19 (B) that submits to the Secretary a pro-
20 posals for the implementation of such plan that
21 contains such information and assurances as
22 the Secretary may require.

23 (3) AWARD OF GRANT.—The Secretary shall
24 award grants under this subsection as follows:

1 (A) For fiscal year 2022, the Secretary
2 shall award grants to 20 eligible entities.

3 (B) For each of fiscal years 2023 and
4 2024, the Secretary shall award grants to 24 el-
5 igible entities.

6 (4) AMOUNT OF GRANT; LIMITATION.—

7 (A) AMOUNT.—The recipient of a grant
8 under this subsection shall receive an amount of
9 not more than \$500,000 for any fiscal year for
10 a maximum of three years.

11 (B) LIMITATION ON USE OF FUNDS.—The
12 recipient of a grant under this subsection may
13 not use more than ten percent of the amount of
14 the grant for administrative costs.

15 (5) AUTHORIZATION OF APPROPRIATIONS.—

16 (A) IN GENERAL.—There is authorized to
17 be appropriated to carry out this subsection—

18 (i) \$10,000,000 for fiscal year 2022;

19 (ii) \$12,000,000 for fiscal year 2023;

20 and

21 (iii) \$14,000,000 for fiscal year 2024.

22 (B) RELATIONSHIP TO OTHER
23 AMOUNTS.—Amounts authorized to be appro-
24 priated pursuant to subparagraph (A) shall be

1 in addition to any other amounts otherwise
2 available for the Governors Challenge Program.

3 **SEC. 6407. FOREIGN CORRUPTION ACCOUNTABILITY.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) When public officials and their allies use the
6 mechanisms of government to engage in extortion or
7 bribery, they impoverish their countries' economic
8 health and harm citizens.

9 (2) By empowering the United States Govern-
10 ment to hold to account foreign public officials and
11 their associates who engage in extortion or bribery,
12 the United States can deter malfeasance and ulti-
13 mately serve the citizens of fragile countries suffo-
14 cated by corrupt bureaucracies.

15 (3) The Special Inspector General for Afghan
16 Reconstruction's 2016 report "Corruption in Con-
17 flict: Lessons from the U.S. Experience in Afghanis-
18 tan" included the recommendation, "Congress
19 should consider enacting legislation that authorizes
20 sanctions against foreign government officials or
21 their associates who engage in corruption."

22 (b) AUTHORIZATION OF IMPOSITION OF SANC-
23 TIONS.—

24 (1) IN GENERAL.—The President may impose
25 the sanctions described in paragraph (2) with re-

1 spect to any foreign person who is an individual the
2 President determines—

3 (A) engages in public corruption activities
4 against a United States person, including—

5 (i) soliciting or accepting bribes;

6 (ii) using the authority of the state to
7 extort payments; or

8 (iii) engaging in extortion; or

9 (B) conspires to engage in, or knowingly
10 and materially assists, sponsors, or provides sig-
11 nificant financial, material, or technological
12 support for any of the activities described in
13 subparagraph (A).

14 (2) SANCTIONS DESCRIBED.—

15 (A) INADMISSIBILITY TO UNITED
16 STATES.—A foreign person who is subject to
17 sanctions under this section shall be—

18 (i) inadmissible to the United States;

19 (ii) ineligible to receive a visa or other
20 documentation to enter the United States;
21 and

22 (iii) otherwise ineligible to be admitted
23 or paroled into the United States or to re-
24 ceive any other benefit under the Immigra-

1 tion and Nationality Act (8 U.S.C. 1101 et
2 seq.).

3 (B) CURRENT VISAS REVOKED.—

4 (i) IN GENERAL.—The visa or other
5 entry documentation of a foreign person
6 who is subject to sanctions under this sec-
7 tion shall be revoked regardless of when
8 such visa or other entry documentation is
9 issued.

10 (ii) EFFECT OF REVOCATION.—A rev-
11 ocation under clause (i) shall—

12 (I) take effect immediately; and

13 (II) automatically cancel any
14 other valid visa or entry documenta-
15 tion that is in the foreign person's
16 possession.

17 (3) EXCEPTION TO COMPLY WITH LAW EN-
18 FORCEMENT OBJECTIVES AND AGREEMENT REGARD-
19 ING HEADQUARTERS OF UNITED NATIONS.—Sanc-
20 tions described under paragraph (2) shall not apply
21 to a foreign person if admitting the person into the
22 United States—

23 (A) would further important law enforce-
24 ment objectives; or

1 (B) is necessary to permit the United
2 States to comply with the Agreement regarding
3 the Headquarters of the United Nations, signed
4 at Lake Success June 26, 1947, and entered
5 into force November 21, 1947, between the
6 United Nations and the United States, or other
7 applicable international obligations of the
8 United States.

9 (4) TERMINATION OF SANCTIONS.—The Presi-
10 dent may terminate the application of sanctions
11 under this subsection with respect to a foreign per-
12 son if the President determines and reports to the
13 appropriate congressional committees not later than
14 15 days before the termination of the sanctions
15 that—

16 (A) the person is no longer engaged in the
17 activity that was the basis for the sanctions or
18 has taken significant verifiable steps toward
19 stopping the activity;

20 (B) the President has received reliable as-
21 surances that the person will not knowingly en-
22 gage in activity subject to sanctions under this
23 part in the future; or

1 (C) the termination of the sanctions is in
2 the national security interests of the United
3 States.

4 (5) REGULATORY AUTHORITY.—The President
5 shall issue such regulations, licenses, and orders as
6 are necessary to carry out this subsection.

7 (6) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES DEFINED.—In this subsection, the term “ap-
9 propriate congressional committees” means—

10 (A) the Committee on the Judiciary, the
11 Committee on Financial Services, and the Com-
12 mittee on Foreign Affairs of the House of Rep-
13 resentatives; and

14 (B) the Committee on the Judiciary, the
15 Committee on Banking, Housing, and Urban
16 Affairs, and the Committee on Foreign Rela-
17 tions of the Senate.

18 (c) REPORTS TO CONGRESS.—

19 (1) IN GENERAL.—The President shall submit
20 to the appropriate congressional committees, in ac-
21 cordance with paragraph (2), a report that in-
22 cludes—

23 (A) a list of each foreign person with re-
24 spect to whom the President imposed sanctions

1 pursuant to subsection (b) during the year pre-
2 ceding the submission of the report;

3 (B) the number of foreign persons with re-
4 spect to which the President—

5 (i) imposed sanctions under sub-
6 section (b)(1) during that year; and

7 (ii) terminated sanctions under sub-
8 section (b)(4) during that year;

9 (C) the dates on which such sanctions were
10 imposed or terminated, as the case may be;

11 (D) the reasons for imposing or termi-
12 nating such sanctions;

13 (E) the total number of foreign persons
14 considered under subsection (b)(3) for whom
15 sanctions were not imposed; and

16 (F) recommendations as to whether the
17 imposition of additional sanctions would be an
18 added deterrent in preventing public corruption.

19 (2) DATES FOR SUBMISSION.—

20 (A) INITIAL REPORT.—The President shall
21 submit the initial report under paragraph (1)
22 not later than 120 days after the date of the
23 enactment of this Act.

24 (B) SUBSEQUENT REPORTS.—The Presi-
25 dent shall submit a subsequent report under

1 paragraph (1) on December 10, or the first day
2 thereafter on which both Houses of Congress
3 are in session, of—

4 (i) the calendar year in which the ini-
5 tial report is submitted if the initial report
6 is submitted before December 10 of that
7 calendar year; and

8 (ii) each calendar year thereafter.

9 (3) FORM OF REPORT.—

10 (A) IN GENERAL.—Each report required
11 by paragraph (1) shall be submitted in unclassi-
12 fied form, but may include a classified annex.

13 (B) EXCEPTION.—The name of a foreign
14 person to be included in the list required by
15 paragraph (1)(A) may be submitted in the clas-
16 sified annex authorized by subparagraph (A)
17 only if the President—

18 (i) determines that it is vital for the
19 national security interests of the United
20 States to do so; and

21 (ii) uses the annex in a manner con-
22 sistent with congressional intent and the
23 purposes of this Act.

24 (4) PUBLIC AVAILABILITY.—

1 (A) IN GENERAL.—The unclassified por-
2 tion of the report required by paragraph (1)
3 shall be made available to the public, including
4 through publication in the Federal Register.

5 (B) NONAPPLICABILITY OF CONFIDEN-
6 TIALITY REQUIREMENT WITH RESPECT TO VISA
7 RECORDS.—The President shall publish the list
8 required by paragraph (1)(A) without regard to
9 the requirements of section 222(f) of the Immig-
10 ration and Nationality Act (8 U.S.C. 1202(f))
11 with respect to confidentiality of records per-
12 taining to the issuance or refusal of visas or
13 permits to enter the United States.

14 (5) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—In this subsection, the term “ap-
16 propriate congressional committees” means—

17 (A) the Committee on Appropriations, the
18 Committee on Foreign Affairs, the Committee
19 on Financial Services, and the Committee on
20 the Judiciary of the House of Representatives;
21 and

22 (B) the Committee on Appropriations, the
23 Committee on Foreign Relations, the Com-
24 mittee on Banking, Housing, and Urban Af-

1 fairs, and the Committee on the Judiciary of
2 the Senate.

3 (d) SUNSET.—

4 (1) IN GENERAL.—The authority to impose
5 sanctions under subsection (b) and the requirements
6 to submit reports under subsection (c) shall termi-
7 nate on the date that is 6 years after the date of en-
8 actment of this Act.

9 (2) CONTINUATION IN EFFECT OF SANC-
10 TIONS.—Sanctions imposed under subsection (b) on
11 or before the date specified in paragraph (1), and in
12 effect as of such date, shall remain in effect until
13 terminated in accordance with the requirements of
14 subsection (b)(4).

15 (e) DEFINITIONS.—In this section:

16 (1) ENTITY.—The term “entity” means a part-
17 nership, association, trust, joint venture, corpora-
18 tion, group, subgroup, or other organization.

19 (2) FOREIGN PERSON.—The term “foreign per-
20 son” means a person that is not a United States
21 person.

22 (3) UNITED STATES PERSON.—The term
23 “United States person” means a person that is a
24 United States citizen, permanent resident alien, enti-
25 ty organized under the laws of the United States or

1 any jurisdiction within the United States (including
2 foreign branches), or any person in the United
3 States.

4 (4) PERSON.—The term “person” means an in-
5 dividual or entity.

6 (5) PUBLIC CORRUPTION.—The term “public
7 corruption” means the unlawful exercise of entrusted
8 public power for private gain, including by bribery,
9 nepotism, fraud, or embezzlement.

10 **SEC. 6408. JUSTICE FOR VICTIMS OF KLEPTOCRACY.**

11 (a) FORFEITED PROPERTY.—

12 (1) IN GENERAL.—Chapter 46 of title 18,
13 United States Code, is amended by adding at the
14 end the following:

15 **“§ 988. Accounting of certain forfeited property**

16 “(a) ACCOUNTING.—The Attorney General shall
17 make available to the public an accounting of any property
18 relating to foreign government corruption that is forfeited
19 to the United States under section 981 or 982.

20 “(b) FORMAT.—The accounting described under sub-
21 section (a) shall be published on the website of the Depart-
22 ment of Justice in a format that includes the following:

23 “(1) A heading as follows: ‘Assets stolen from
24 the people of _____ and recovered by the
25 United States’, the blank space being filled with the

1 name of the foreign government that is the target of
2 corruption.

3 “(2) The total amount recovered by the United
4 States on behalf of the foreign people that is the tar-
5 get of corruption at the time when such recovered
6 funds are deposited into the Department of Justice
7 Asset Forfeiture Fund or the Department of the
8 Treasury Forfeiture Fund.

9 “(c) UPDATED WEBSITE.—The Attorney General
10 shall update the website of the Department of Justice to
11 include an accounting of any new property relating to for-
12 eign government corruption that has been forfeited to the
13 United States under section 981 or 982 not later than
14 14 days after such forfeiture, unless such update would
15 compromise an ongoing law enforcement investigation.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions for chapter 46 of title 18, United States Code,
18 is amended by adding at the end the following:

“988. Accounting of certain forfeited property.”.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that recovered assets be returned for the benefit of
21 the people harmed by the corruption under conditions that
22 reasonably ensure the transparent and effective use, ad-
23 ministration and monitoring of returned proceeds.

1 **SEC. 6409. EXPANSION OF SCOPE OF DEPARTMENT OF VET-**
2 **ERANS AFFAIRS OPEN BURN PIT REGISTRY**
3 **TO INCLUDE OPEN BURN PITS IN EGYPT AND**
4 **SYRIA.**

5 Section 201(c)(2) of the Dignified Burial and Other
6 Veterans' Benefits Improvement Act of 2012 (Public Law
7 112–260; 38 U.S.C. 527 note) is amended, in the matter
8 before subparagraph (A), by striking “or Iraq” and insert-
9 ing “, Iraq, Egypt, or Syria”.

10 **SEC. 6410. EXTENSION OF PERIOD OF ELIGIBILITY BY REA-**
11 **SON OF SCHOOL CLOSURES DUE TO EMER-**
12 **GENCY AND OTHER SITUATIONS UNDER DE-**
13 **PARTMENT OF VETERANS AFFAIRS TRAINING**
14 **AND REHABILITATION PROGRAM FOR VET-**
15 **ERANS WITH SERVICE-CONNECTED DISABIL-**
16 **ITIES.**

17 Section 3103 of title 38, United States Code, is
18 amended—

19 (1) in subsection (a), by striking “or (g)” and
20 inserting “(g), or (h)”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(h)(1) In the case of a veteran who is eligible for
24 a vocational rehabilitation program under this chapter and
25 who is prevented from participating in the vocational reha-
26 bilitation program within the period of eligibility pre-

1 scribed in subsection (a) because of a covered reason, as
2 determined by the Secretary, such period of eligibility—

3 “(A) shall not run during the period the vet-
4 eran is so prevented from participating in such pro-
5 gram; and

6 “(B) shall again begin running on a date deter-
7 mined by the Secretary that is—

8 “(i) not earlier than the first day after the
9 veteran is able to resume participation in a vo-
10 cational rehabilitation program under this chap-
11 ter; and

12 “(ii) not later than 90 days after that day.

13 “(2) In this subsection, a covered reason is—

14 “(A) the temporary or permanent closure of an
15 educational institution by reason of an emergency
16 situation; or

17 “(B) another reason that prevents the veteran
18 from participating in the vocational rehabilitation
19 program, as determined by the Secretary.”.

1 **SEC. 6411. EXTENSION OF TIME LIMITATION FOR USE OF**
2 **ENTITLEMENT UNDER DEPARTMENT OF VET-**
3 **ERANS AFFAIRS EDUCATIONAL ASSISTANCE**
4 **PROGRAMS BY REASON OF SCHOOL CLO-**
5 **SURES DUE TO EMERGENCY AND OTHER SIT-**
6 **UATIONS.**

7 (a) MONTGOMERY GI BILL.—Section 3031 of title
8 38, United States Code, is amended—

9 (1) in subsection (a), by inserting “and sub-
10 section (i)” after “through (g)”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(i)(1) In the case of an individual eligible for edu-
14 cational assistance under this chapter who is prevented
15 from pursuing the individual’s chosen program of edu-
16 cation before the expiration of the 10-year period for the
17 use of entitlement under this chapter otherwise applicable
18 under this section because of a covered reason, as deter-
19 mined by the Secretary, such 10-year period—

20 “(A) shall not run during the period the indi-
21 vidual is so prevented from pursuing such program;
22 and

23 “(B) shall again begin running on a date deter-
24 mined by the Secretary that is—

25 “(i) not earlier than the first day after the
26 individual is able to resume pursuit of a pro-

1 gram of education with educational assistance
2 under this chapter; and

3 “(ii) not later than 90 days after that day.

4 “(2) In this subsection, a covered reason is—

5 “(A) the temporary or permanent closure of an
6 educational institution by reason of an emergency
7 situation; or

8 “(B) another reason that prevents the indi-
9 vidual from pursuing the individual’s chosen pro-
10 gram of education, as determined by the Sec-
11 retary.”.

12 (b) POST-9/11 EDUCATIONAL ASSISTANCE.— Section
13 3321(b)(1) of such title is amended—

14 (1) by inserting “(A)” before “Subsections”;

15 (2) by striking “and (d)” and inserting “(d),
16 and (i)”;

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(B) Subsection (i) of section 3031 of this title
20 shall apply with respect to the running of the 15-
21 year period described in paragraphs (4)(A) and
22 (5)(A) of this subsection in the same manner as
23 such subsection applies under section 3031 with re-
24 spect to the running of the 10-year period described
25 in section 3031(a).”.

1 **SEC. 6412. EXEMPTION OF CERTAIN HOMELAND SECURITY**
2 **FEEES FOR CERTAIN IMMEDIATE RELATIVES**
3 **OF AN INDIVIDUAL WHO RECEIVED THE PUR-**
4 **PLE HEART.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary of Home-
7 land Security shall include on a certain application or peti-
8 tion an opportunity for certain immediate relatives of an
9 individual who was awarded the Purple Heart to identify
10 themselves as such an immediate relative.

11 (b) FEE EXEMPTION.—The Secretary shall exempt
12 certain immediate relatives of an individual who was
13 awarded the Purple Heart, who identifies as such an im-
14 mediate relative on a certain application or petition, from
15 a fee with respect to a certain application or petition and
16 any associated fee for biometrics.

17 (c) PENDING APPLICATIONS AND PETITIONS.—The
18 Secretary of Homeland Security may waive fees for a cer-
19 tain application or petition and any associated fee for bio-
20 metrics for certain immediate relatives of an individual
21 who was awarded the Purple Heart, if such application
22 or petition is submitted not more than 90 days after the
23 date of the enactment of this Act.

24 (d) DEFINITION.—In this section:

25 (1) CERTAIN APPLICATION OR PETITION.—The
26 term “certain application or petition” means—

1 (A) an application using Form–400, Appli-
2 cation for Naturalization (or any successor
3 form); or

4 (B) a petition using Form I-360, Petition
5 for Amerasian, Widow(er), or Special Imm-
6 grant (or any successor form).

7 (2) CERTAIN IMMEDIATE RELATIVES OF AN IN-
8 DIVIDUAL WHO WAS AWARDED THE PURPLE
9 HEART.—The term “certain immediate relatives of
10 an individual who was awarded the Purple Heart”
11 means an immediate relative of a living or deceased
12 member of the Armed Forces who was awarded the
13 Purple Heart and who is not a person ineligible for
14 military honors pursuant to section 985(a) of title
15 10, United States Code.

16 (3) IMMEDIATE RELATIVE.—The term “imme-
17 diate relative” has the meaning given such term in
18 section 201(b) of the Immigration and Nationality
19 Act (8 U.S.C. 1151(b)).

20 **SEC. 6413. PAYMENTS TO INDIVIDUALS WHO SERVED DUR-**
21 **ING WORLD WAR II IN THE UNITED STATES**
22 **MERCHANT MARINE.**

23 (a) ESTABLISHMENT OF COMPENSATION FUND.—
24 Subchapter II of chapter 5 of title 38, United States Code,
25 is amended by adding at the end the following new section:

1 **“§ 534. Merchant Mariner Equity Compensation Fund**

2 “(a) COMPENSATION FUND.—(1) There is in the gen-
3 eral fund of the Treasury a fund to be known as the ‘Mer-
4 chant Mariner Equity Compensation Fund’ (in this sec-
5 tion referred to as the ‘compensation fund’).

6 “(2) Subject to the availability of appropriations pro-
7 vided in advance in a appropriations Act specifically for
8 the purpose of carrying out this section, and no other
9 funding source, amounts in the compensation fund shall
10 be available to the Secretary without fiscal year limitation
11 to make payments to eligible individuals in accordance
12 with this section.

13 “(b) ELIGIBLE INDIVIDUALS.—(1) An eligible indi-
14 vidual is an individual who—

15 “(A) during the one-year period beginning on
16 the date of the enactment of this section, submits to
17 the Secretary an application containing such infor-
18 mation and assurances as the Secretary may require;

19 “(B) has not received benefits under the Serv-
20 icemen’s Readjustment Act of 1944 (Public Law
21 78–346); and

22 “(C) has engaged in qualified service.

23 “(2) For purposes of paragraph (1), a person has en-
24 gaged in qualified service if, between December 7, 1941,
25 and December 31, 1946, the person—

1 “(A) was a member of the United States mer-
2 chant marine (including the Army Transport Service
3 and the Naval Transport Service) serving as a crew-
4 member of a vessel that was—

5 “(i) operated by the War Shipping Admin-
6 istration or the Office of Defense Transpor-
7 tation (or an agent of the Administration or Of-
8 fice);

9 “(ii) operated in waters other than inland
10 waters, the Great Lakes, and other lakes, bays,
11 and harbors of the United States;

12 “(iii) under contract or charter to, or prop-
13 erty of, the Government of the United States;
14 and

15 “(iv) serving the Armed Forces; and

16 “(B) while so serving, was licensed or otherwise
17 documented for service as a crewmember of such a
18 vessel by an officer or employee of the United States
19 authorized to license or document the person for
20 such service.

21 “(3) In determining the information and assurances
22 required in the application pursuant to paragraph (1)(A),
23 the Secretary shall accept a DD-214 form as proof of
24 qualified service.

1 “(c) AMOUNT OF PAYMENT.—The Secretary shall
2 make one payment out of the compensation fund in the
3 amount of \$25,000 to an eligible individual. The Secretary
4 shall make such a payment to eligible individuals in the
5 order in which the Secretary receives the applications of
6 the eligible individuals. Payments may only be made sub-
7 ject to the availability of funds provided in advance in an
8 appropriations Act for this purpose.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated for fiscal year 2022
11 \$125,000,000 for the compensation fund. Such amount
12 shall remain available until expended.

13 “(e) REPORTS.—The Secretary shall include, in docu-
14 ments submitted to Congress by the Secretary in support
15 of the President’s budget for each fiscal year, detailed in-
16 formation on the operation of the compensation fund, in-
17 cluding the number of applicants, the number of eligible
18 individuals receiving benefits, the amounts paid out of the
19 compensation fund, the administration of the compensa-
20 tion fund, and an estimate of the amounts necessary to
21 fully fund the compensation fund for that fiscal year and
22 each of the three subsequent fiscal years.

23 “(f) REGULATIONS.—The Secretary shall prescribe
24 regulations to carry out this section.”.

1 (b) REGULATIONS.—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary shall
3 prescribe the regulations required under section 534(f) of
4 title 38, United States Code, as added by subsection (a).

5 (c) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item related to section 532 the following new
8 item:

“534. Merchant Mariner Equity Compensation Fund.”.

9 **SEC. 6414. RESOLUTION OF CONTROVERSIES UNDER**
10 **SERVICEMEMBERS CIVIL RELIEF ACT.**

11 (a) IN GENERAL.—Section 102 of the
12 Servicemembers Civil Relief Act (50 U.S.C. 3912) is
13 amended by adding at the end the following new sub-
14 section:

15 “(d) WRITTEN CONSENT REQUIRED FOR ARBITRA-
16 TION.—Notwithstanding any other provision of law, when-
17 ever a contract with a servicemember, or a servicemember
18 and the servicemember’s spouse jointly, provides for the
19 use of arbitration to resolve a controversy subject to a pro-
20 vision of this Act and arising out of or relating to such
21 contract, arbitration may be used to settle such con-
22 troversy only if, after such controversy arises, all parties
23 to such controversy consent in writing to use arbitration
24 to settle such controversy.”.

1 (b) APPLICABILITY.—Subsection (d) of such section,
2 as added by subsection (a), shall apply with respect to con-
3 tracts entered into, amended, altered, modified, renewed,
4 or extended after the date of the enactment of this Act.

5 **SEC. 6415. LIMITATION ON WAIVER OF RIGHTS AND PRO-**
6 **TECTIONS UNDER SERVICEMEMBERS CIVIL**
7 **RELIEF ACT.**

8 (a) IN GENERAL.—Section 107(a) of the
9 Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is
10 amended—

11 (1) in the second sentence, by inserting “and if
12 it is made after a specific dispute has arisen and the
13 dispute is identified in the waiver” after “to which
14 it applies”; and

15 (2) in the third sentence, by inserting “and if
16 it is made after a specific dispute has arisen and the
17 dispute is identified in the waiver” after “period of
18 military service”.

19 (b) APPLICABILITY.—The amendment made by sub-
20 section (a) shall apply with respect to waivers made on
21 or after the date of the enactment of this Act.

1 **SEC. 6416. CLARIFICATION OF PRIVATE RIGHT OF ACTION**
2 **UNDER SERVICEMEMBERS CIVIL RELIEF**
3 **ACT.**

4 Section 802(a) of the Servicemembers Civil Relief Act
5 (50 U.S.C. 4042(a)) is amended—

6 (1) in the matter preceding paragraph (1), by
7 inserting “, notwithstanding any previous agreement
8 to the contrary,” after “may”; and

9 (2) in paragraph (3), by striking “, notwith-
10 standing any previous agreement to the contrary”.

11 **SEC. 6417. PROHIBITION ON UNITED STATES PERSONS**
12 **FROM PURCHASING OR SELLING RUSSIAN**
13 **SOVEREIGN DEBT.**

14 (a) PROHIBITION.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of the enactment of this Act, the President
17 shall issue regulations to prohibit United States per-
18 sons from purchasing or selling Russian sovereign
19 debt that is issued or executed on or after the date
20 that is 60 days after such date of enactment.

21 (2) RUSSIAN SOVEREIGN DEBT DEFINED.—In
22 this subsection, the term “Russian sovereign debt”
23 means—

24 (A) bonds issued by the Russian Central
25 Bank, the Russian National Wealth Fund, the
26 Russian Federal Treasury, or agents or affili-

1 ates of any such institution, regardless of the
2 currency in which they are denominated and
3 with a maturity of more than 14 days;

4 (B) foreign exchange swap agreements
5 with the Russian Central Bank, the Russian
6 National Wealth Fund, or the Russian Federal
7 Treasury, regardless of the currency in which
8 they are denominated and with a duration of
9 more than 14 days; and

10 (C) any other financial instrument, the
11 maturity or duration of which is more than 14
12 days, that the President determines represents
13 the sovereign debt of Russia.

14 (3) REQUIREMENT TO PUBLISH GUIDANCE.—

15 The President shall publish guidance on the imple-
16 mentation of the regulations issued pursuant to
17 paragraph (1) concurrently with the publication of
18 such regulations.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the regularly scheduled general election for Federal
22 office in 2022, and each regularly scheduled general
23 election for Federal office thereafter, the Director of
24 National Intelligence, in consultation with the Direc-
25 tor of the Federal Bureau of Investigation, the Di-

1 director of the National Security Agency, and the Di-
2 rector of the Central Intelligence Agency, shall sub-
3 mit to the President, the Secretary of State, the Sec-
4 retary of the Treasury, and the appropriate congress-
5 sional committees and leadership a report on wheth-
6 er there is or is not significant evidence available for
7 the Director to determine that the Government of
8 Russia, or any person acting as an agent of or on
9 behalf of that government, knowingly engaged in in-
10 terference in such general election or any other elec-
11 tion for Federal office held since the most recent
12 prior regularly scheduled general election for Federal
13 office, including an identification of any officials of
14 that government, or persons acting aagents of or on
15 behalf of that government, that knowingly engaged
16 in interference in any such election.

17 (2) *ADDITIONAL REPORT.*—If the Director of
18 Intelligence—

19 (A) determines in a report submitted
20 under paragraph (1) that there is not signifi-
21 cant evidence available for the Director to de-
22 termine that the Government of Russia, or any
23 person acting as an agent of or on behalf of
24 that government, knowingly engaged in inter-

1 ference in any election described in paragraph
2 (1); and

3 (B) subsequently determines that there is
4 significant evidence available for the Director to
5 make such a determination, the Director shall
6 submit to the President, the Secretary of State,
7 the Secretary of the Treasury, and the appro-
8 priate congressional committees and leadership
9 a report on such subsequent determination not
10 later than 30 days after making that deter-
11 mination.

12 (3) FORM.—Each report required by this sub-
13 section shall be submitted in unclassified form, but
14 may include a classified annex.

15 (c) SUSPENSION AUTHORITY.—

16 (1) IN GENERAL.—The President may, for the
17 period of time described in paragraph (3), suspend
18 the application of any prohibition on United States
19 persons from engaging in transactions described in
20 subsection (a) if, not later than 30 days after the
21 date on which a report described in subsection (b)
22 is submitted to the officials described in subsection
23 (b) and the appropriate congressional committees
24 and leadership with respect to a regularly scheduled
25 general election for Federal office, the President—

1 (A) determines that there is not significant
2 evidence available for the President to deter-
3 mine that the Government of Russia, or any
4 person acting as an agent of or on behalf of
5 that government, knowingly engaged in inter-
6 ference in such general election or any other
7 election for Federal office held since the most
8 recent prior regularly scheduled general election
9 for Federal office; and

10 (B) submits to the appropriate congress-
11 sional committees and leadership a report that
12 contains the determination of the President
13 under subparagraph (A) and a justification for
14 the determination.

15 (2) CLARIFICATION REGARDING SUSPENSION.—

16 If—

17 (A) the President suspends the application
18 of any prohibition on United States persons
19 from engaging in transactions described in sub-
20 section (a);

21 (B) such United States persons engage in
22 transactions described in subsection (a) involv-
23 ing Russian sovereign debt that is issued during
24 the period of time in which the suspension is in
25 effect; and

1 (C) such United States persons are subject
2 to the application of any prohibition on United
3 States persons from engaging in transactions
4 described in subsection (a) after such period of
5 time in which the suspension is in effect, such
6 United States persons may not be subject to
7 any prohibition on United States persons from
8 engaging in transactions described in subsection
9 (a) with respect to engaging in transactions in-
10 volving Russian sovereign debt described in sub-
11 paragraph (B).

12 (3) TIME PERIOD DESCRIBED.—The period of
13 time described in this paragraph is the period—

14 (A) beginning after the 60-day period de-
15 scribed in paragraph (1)(B); and

16 (B) ending on or before the date that is 60
17 days after the date of the next regularly sched-
18 uled general election for Federal office.

19 (d) WAIVER AUTHORITY.—The President may waive
20 the application of any prohibition on United States per-
21 sons from engaging in transactions described in subsection
22 (a) if the President—

23 (1) determines that the waiver is in the vital
24 national security interests of the United States; and

1 (2) submits to the appropriate congressional
2 committees and leadership a report that contains the
3 determination of the President under subparagraph
4 (A).

5 (e) DEFINITIONS.—In this section:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Banking, Housing,
10 and Urban Affairs, the Committee on Foreign
11 Relations, the Committee on Finance, the Se-
12 lect Committee on Intelligence, and the Com-
13 mittee on Rules and Administration of the Sen-
14 ate; and

15 (B) the Committee on Financial Services,
16 the Committee on Foreign Affairs, the Com-
17 mittee on Ways and Means, the Permanent Se-
18 lect Committee on Intelligence, and the Com-
19 mittee on House Administration of the House
20 of Representatives.

21 (2) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES AND LEADERSHIP.—The term “appropriate
23 congressional committees and leadership” means—

24 (A) the appropriate congressional commit-
25 tees;

1 (B) the majority leader and minority lead-
2 er of the Senate; and

3 (C) the Speaker, the majority leader, and
4 the minority leader of the House of Representa-
5 tives.

6 (3) ELECTIONS FOR FEDERAL OFFICE.—The
7 term “elections for Federal office” has the meaning
8 given such term in the Federal Election Campaign
9 Act of 1971 (52 U.S.C. 30101 et seq.), except that
10 such term does not include a special election.

11 (4) INTERFERENCE IN ELECTIONS FOR FED-
12 ERAL OFFICE.—The term “interference”, with re-
13 spect to an election for Federal office:

14 (A) Means any of the following actions of
15 the government of a foreign country, or any
16 person acting as an agent of or on behalf of
17 such a government, undertaken with the intent
18 to influence the election:

19 (i) Obtaining unauthorized access to
20 election and campaign infrastructure or re-
21 lated systems or data and releasing such
22 data or modifying such infrastructure, sys-
23 tems, or data.

24 (ii) Blocking or degrading otherwise
25 legitimate and authorized access to election

1 and campaign infrastructure or related
2 systems or data.

3 (iii) Contributions or expenditures for
4 advertising, including on the internet.

5 (iv) Using social or traditional media
6 to spread significant amounts of false in-
7 formation to individuals in the United
8 States.

9 (B) Does not include communications
10 clearly attributable to news and media outlets
11 which are publicly and explicitly either con-
12 trolled or in large part funded by the govern-
13 ment of a foreign country.

14 (5) KNOWINGLY.—The term “knowingly”, with
15 respect to conduct, a circumstance, or a result,
16 means that a person has actual knowledge, or should
17 have known, of the conduct, the circumstance, or the
18 result.

19 (6) PERSON.—The term “person” means an in-
20 dividual or entity.

21 (7) UNITED STATES PERSON.—The term
22 “United States person” means—

23 (A) a United States citizen or an alien law-
24 fully admitted for permanent residence to the
25 United States; or

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States, including a foreign branch of
4 such an entity.

5 **SEC. 6418. ADDITION OF VIRGIN ISLANDS VISA WAIVER TO**
6 **GUAM AND NORTHERN MARIANA ISLANDS**
7 **VISA WAIVER.**

8 (a) IN GENERAL.—Section 212(l) of the Immigration
9 and Nationality Act (8 U.S.C. 1182(l)) is amended to read
10 as follows:

11 “(1) GUAM AND NORTHERN MARIANA ISLANDS VISA
12 WAIVER PROGRAM; VIRGIN ISLANDS VISA WAIVER PRO-
13 GRAM.—

14 “(1) IN GENERAL.—The requirement of sub-
15 section (a)(7)(B)(i) may be waived by the Secretary
16 of Homeland Security, in the case of an alien apply-
17 ing for admission as a nonimmigrant visitor for busi-
18 ness or pleasure and solely for entry into and stay
19 in Guam or the Commonwealth of the Northern
20 Mariana Islands, or the Virgin Islands of the United
21 States, for a period not to exceed 45 days, if the
22 Secretary of Homeland Security, after consultation
23 with the Secretary of the Interior, the Secretary of
24 State, and the Governor of Guam and the Governor
25 of the Commonwealth of the Northern Mariana Is-

1 lands, or the Governor of the Virgin Islands of the
2 United States, as the case may be, determines
3 that—

4 “(A) an adequate arrival and departure
5 control system has been developed in Guam and
6 the Commonwealth of the Northern Mariana Is-
7 lands, and the Virgin Islands of the United
8 States; and

9 “(B) such a waiver does not represent a
10 threat to the welfare, safety, or security of the
11 United States or its territories and common-
12 wealths.

13 “(2) ALIEN WAIVER OF RIGHTS.—An alien may
14 not be provided a waiver under this subsection un-
15 less the alien has waived any right—

16 “(A) to review or appeal under this Act an
17 immigration officer’s determination as to the
18 admissibility of the alien at the port of entry
19 into Guam or the Commonwealth of the North-
20 ern Mariana Islands, or the Virgin Islands of
21 the United States; or

22 “(B) to contest, other than on the basis of
23 an application for withholding of removal under
24 section 241(b)(3) of this Act or under the Con-
25 vention Against Torture, or an application for

1 asylum if permitted under section 208 of this
2 Act, any action for removal of the alien.

3 “(3) REGULATIONS.—All necessary regulations
4 to implement this subsection shall be promulgated
5 by the Secretary of Homeland Security, in consulta-
6 tion with the Secretary of the Interior and the Sec-
7 retary of State. The promulgation of such regula-
8 tions shall be considered a foreign affairs function
9 for purposes of section 553(a) of title 5, United
10 States Code. At a minimum, such regulations should
11 include, but not necessarily be limited to—

12 “(A) a listing of all countries whose na-
13 tionals may obtain the waivers provided by this
14 subsection; and

15 “(B) any bonding requirements for nation-
16 als of some or all of those countries who may
17 present an increased risk of overstays or other
18 potential problems, if different from such re-
19 quirements otherwise provided by law for non-
20 immigrant visitors.

21 “(4) FACTORS.—In determining whether to
22 grant or continue providing the waiver under this
23 paragraph to nationals of any country, the Secretary
24 of Homeland Security, in consultation with the Sec-
25 retary of the Interior and the Secretary of State,

1 shall consider all factors that the Secretary deems
2 relevant, including electronic travel authorizations,
3 procedures for reporting lost and stolen passports,
4 repatriation of aliens, rates of refusal for non-
5 immigrant visitor visas, overstays, exit systems, and
6 information exchange.

7 “(5) SUSPENSION.—The Secretary of Home-
8 land Security shall monitor the admission of non-
9 immigrant visitors to Guam and the Commonwealth
10 of the Northern Mariana Islands, and the Virgin Is-
11 lands of the United States, under this subsection. If
12 the Secretary determines that such admissions have
13 resulted in an unacceptable number of visitors from
14 a country remaining unlawfully in Guam or the
15 Commonwealth of the Northern Mariana Islands, or
16 the Virgin Islands of the United States, unlawfully
17 obtaining entry to other parts of the United States,
18 or seeking withholding of removal or asylum, or that
19 visitors from a country pose a risk to law enforce-
20 ment or security interests of Guam or the Common-
21 wealth of the Northern Mariana Islands, or the Vir-
22 gin Islands of the United States, or of the United
23 States (including the interest in the enforcement of
24 the immigration laws of the United States), the Sec-
25 retary shall suspend the admission of nationals of

1 such country under this subsection. The Secretary of
2 Homeland Security may in the Secretary's discretion
3 suspend the Guam and Northern Mariana Islands
4 visa waiver program, or the Virgin Islands visa waiv-
5 er program, at any time, on a country-by-country
6 basis, for other good cause.

7 “(6) ADDITION OF COUNTRIES.—The Governor
8 of Guam and the Governor of the Commonwealth of
9 the Northern Mariana Islands, or the Governor of
10 the Virgin Islands of the United States, may request
11 the Secretary of the Interior and the Secretary of
12 Homeland Security to add a particular country to
13 the list of countries whose nationals may obtain the
14 waiver provided by this subsection, and the Sec-
15 retary of Homeland Security may grant such request
16 after consultation with the Secretary of the Interior
17 and the Secretary of State, and may promulgate reg-
18 ulations with respect to the inclusion of that country
19 and any special requirements the Secretary of
20 Homeland Security, in the Secretary's sole discre-
21 tion, may impose prior to allowing nationals of that
22 country to obtain the waiver provided by this sub-
23 section.”.

24 (b) REGULATIONS DEADLINE.—Not later than one
25 year after the date of enactment of this Act, the Secretary

1 of Homeland Security, in consultation with the Secretary
2 of the Interior and the Secretary of State, shall promul-
3 gate any necessary regulations as described in subsection
4 (a) required to implement the waiver provided in such sub-
5 section for the Virgin Islands.

6 (c) WAIVER COUNTRIES.—The regulations described
7 in subsection (b) shall include a listing of all member or
8 associate member countries of the Caribbean Community
9 (CARICOM) whose nationals may obtain, on a country-
10 by-country basis, the waiver provided by this section, ex-
11 cept that such regulations shall not provide for a listing
12 of any country if the Secretary of Homeland Security de-
13 termines that such country’s inclusion on such list would
14 represent a threat to the welfare, safety, or security of
15 the United States or its territories and commonwealths.

16 (d) CONFORMING AMENDMENTS.—

17 (1) DOCUMENTATION REQUIREMENTS.—Section
18 212(a)(7)(B)(iii) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(a)(7)(B)(iii)) is amended to
20 read as follows:

21 “(iii) SPECIAL VISA WAIVER PRO-
22 GRAMS.—For a provision authorizing waiv-
23 er of clause (i) in the case of visitors to
24 Guam or the Commonwealth of the North-

1 ern Mariana Islands, or the Virgin Islands
2 of the United States, see subsection (l).”.

3 (2) ADMISSION OF NONIMMIGRANTS.—Section
4 214(a)(1) of such Act (8 U.S.C. 1184(a)(1)) is
5 amended by striking “Guam or the Commonwealth
6 of the Northern Mariana Islands” each place such
7 term appears and inserting “Guam or the Common-
8 wealth of the Northern Mariana Islands, or the Vir-
9 gin Islands of the United States”.

10 (e) FEES.—The Secretary of Homeland Security
11 shall establish an administrative processing fee to be
12 charged and collected from individuals seeking to enter the
13 Virgin Islands in accordance with section 212(l) of the Im-
14 migration and Nationality Act (8 U.S.C. 1182(l)), as
15 amended by this Act. Such fee shall be set at a level that
16 will ensure recovery of the full costs of such processing,
17 any additional costs associated with the administration of
18 the fees collected, and any sums necessary to offset re-
19 duced collections of the nonimmigrant visa fee or the elec-
20 tronic travel authorization fee that otherwise would have
21 been collected from such individuals.

22 **SEC. 6419. THRESHOLD FOR REPORTING ADDITIONS TO**
23 **TOXICS RELEASE INVENTORY.**

24 Section 7321 of the PFAS Act of 2019 (15 U.S.C.
25 8921) is amended—

1 (1) in subsection (b), by adding at the end the
2 following:

3 “(3) LIMITATION.—Section 372.38 of title 40,
4 Code of Federal Regulations (or any successor regu-
5 lation), shall not apply to a chemical described in
6 paragraph (1) unless the Administrator, in accord-
7 ance with paragraph (2)(B), revises the threshold
8 for reporting such chemical to 10,000 pounds.”;

9 (2) in subsection (c), by adding at the end the
10 following:

11 “(3) LIMITATION.—Section 372.38 of title 40,
12 Code of Federal Regulations (or any successor regu-
13 lation), shall not apply to the substances and classes
14 of substances included in the toxics release inventory
15 under paragraph (1) unless the Administrator, in ac-
16 cordance with paragraph (2)(B), revises the thresh-
17 old for reporting such substances and class of sub-
18 stances to 10,000 pounds.”; and

19 (3) in subsection (d), by adding at the end the
20 following:

21 “(4) LIMITATION.—Section 372.38 of title 40,
22 Code of Federal Regulations (or any successor regu-
23 lation), shall not apply to the substances and classes
24 of substances described in paragraph (2) unless the

1 Administrator sets a 10,000 pound reporting thresh-
2 old for such substances and classes of substances.”.

3 **SEC. 6420. NATIONAL PRIMARY DRINKING WATER REGULA-**
4 **TIONS FOR PFAS.**

5 (a) NATIONAL DRINKING WATER REGULATIONS.—
6 Section 1412(b) of the Safe Drinking Water Act (42
7 U.S.C. 300g–1(b)) is amended by adding at the end the
8 following:

9 “(16) PERFLUOROALKYL AND
10 POLYFLUOROALKYL SUBSTANCES.—

11 “(A) IN GENERAL.—Not later than 2 years
12 after the date of enactment of this paragraph,
13 the Administrator shall, after notice and oppor-
14 tunity for public comment, promulgate a na-
15 tional primary drinking water regulation for
16 perfluoroalkyl and polyfluoroalkyl substances,
17 which shall, at a minimum, include standards
18 for—

19 “(i) perfluorooctanoic acid (commonly
20 referred to as ‘PFOA’); and

21 “(ii) perfluorooctane sulfonic acid
22 (commonly referred to as ‘PFOS’).

23 “(B) ALTERNATIVE PROCEDURES.—

24 “(i) IN GENERAL.—Not later than 1
25 year after the validation by the Adminis-

1 trator of an equally effective quality con-
2 trol and testing procedure to ensure com-
3 pliance with the national primary drinking
4 water regulation promulgated under sub-
5 paragraph (A) to measure the levels de-
6 scribed in clause (ii) or other methods to
7 detect and monitor perfluoroalkyl and
8 polyfluoroalkyl substances in drinking
9 water, the Administrator shall add the pro-
10 cedure or method as an alternative to the
11 quality control and testing procedure de-
12 scribed in such national primary drinking
13 water regulation by publishing the proce-
14 dure or method in the Federal Register in
15 accordance with section 1401(1)(D).

16 “(ii) LEVELS DESCRIBED.—The levels
17 referred to in clause (i) are—

18 “(I) the level of a perfluoroalkyl
19 or polyfluoroalkyl substance;

20 “(II) the total levels of
21 perfluoroalkyl and polyfluoroalkyl sub-
22 stances; and

23 “(III) the total levels of organic
24 fluorine.

1 “(C) INCLUSIONS.—The Administrator
2 may include a perfluoroalkyl or polyfluoroalkyl
3 substance or class of perfluoroalkyl or
4 polyfluoroalkyl substances on—

5 “(i) the list of contaminants for con-
6 sideration of regulation under paragraph
7 (1)(B)(i), in accordance with such para-
8 graph; and

9 “(ii) the list of unregulated contami-
10 nants to be monitored under section
11 1445(a)(2)(B)(i), in accordance with such
12 section.

13 “(D) MONITORING.—When establishing
14 monitoring requirements for public water sys-
15 tems as part of a national primary drinking
16 water regulation under subparagraph (A) or
17 subparagraph (G)(ii), the Administrator shall
18 tailor the monitoring requirements for public
19 water systems that do not detect or are reliably
20 and consistently below the maximum contami-
21 nant level (as defined in section 1418(b)(2)(B))
22 for the perfluoroalkyl or polyfluoroalkyl sub-
23 stance or class of perfluoroalkyl or
24 polyfluoroalkyl substances subject to the na-
25 tional primary drinking water regulation.

1 “(E) HEALTH PROTECTION.—The national
2 primary drinking water regulation promulgated
3 under subparagraph (A) shall be protective of
4 the health of subpopulations at greater risk, as
5 described in section 1458.

6 “(F) HEALTH RISK REDUCTION AND COST
7 ANALYSIS.—In meeting the requirements of
8 paragraph (3)(C), the Administrator may rely
9 on information available to the Administrator
10 with respect to one or more specific
11 perfluoroalkyl or polyfluoroalkyl substances to
12 extrapolate reasoned conclusions regarding the
13 health risks and effects of a class of
14 perfluoroalkyl or polyfluoroalkyl substances of
15 which the specific perfluoroalkyl or
16 polyfluoroalkyl substances are a part.

17 “(G) REGULATION OF ADDITIONAL SUB-
18 STANCES.—

19 “(i) DETERMINATION.—The Adminis-
20 trator shall make a determination under
21 paragraph (1)(A), using the criteria de-
22 scribed in clauses (i) through (iii) of that
23 paragraph, whether to include a
24 perfluoroalkyl or polyfluoroalkyl substance
25 or class of perfluoroalkyl or polyfluoroalkyl

1 substances in the national primary drink-
2 ing water regulation under subparagraph
3 (A) not later than 18 months after the
4 later of—

5 “(I) the date on which the
6 perfluoroalkyl or polyfluoroalkyl sub-
7 stance or class of perfluoroalkyl or
8 polyfluoroalkyl substances is listed on
9 the list of contaminants for consider-
10 ation of regulation under paragraph
11 (1)(B)(i); and

12 “(II) the date on which—

13 “(aa) the Administrator has
14 received the results of monitoring
15 under section 1445(a)(2)(B) for
16 the perfluoroalkyl or
17 polyfluoroalkyl substance or class
18 of perfluoroalkyl or
19 polyfluoroalkyl substances; or

20 “(bb) the Administrator has
21 received reliable water data or
22 water monitoring surveys for the
23 perfluoroalkyl or polyfluoroalkyl
24 substance or class of
25 perfluoroalkyl or polyfluoroalkyl

1 substances from a Federal or
2 State agency that the Adminis-
3 trator determines to be of a qual-
4 ity sufficient to make a deter-
5 mination under paragraph
6 (1)(A).

7 “(ii) PRIMARY DRINKING WATER REG-
8 ULATIONS.—

9 “(I) IN GENERAL.—For each
10 perfluoroalkyl or polyfluoroalkyl sub-
11 stance or class of perfluoroalkyl or
12 polyfluoroalkyl substances that the
13 Administrator determines to regulate
14 under clause (i), the Administrator—

15 “(aa) not later than 18
16 months after the date on which
17 the Administrator makes the de-
18 termination, shall propose a na-
19 tional primary drinking water
20 regulation for the perfluoroalkyl
21 or polyfluoroalkyl substance or
22 class of perfluoroalkyl or
23 polyfluoroalkyl substances; and

24 “(bb) may publish the pro-
25 posed national primary drinking

1 water regulation described in
2 item (aa) concurrently with the
3 publication of the determination
4 to regulate the perfluoroalkyl or
5 polyfluoroalkyl substance or class
6 of perfluoroalkyl or
7 polyfluoroalkyl substances.

8 “(II) DEADLINE.—

9 “(aa) IN GENERAL.—Not
10 later than 1 year after the date
11 on which the Administrator pub-
12 lishes a proposed national pri-
13 mary drinking water regulation
14 under clause (i)(I) and subject to
15 item (bb), the Administrator
16 shall take final action on the pro-
17 posed national primary drinking
18 water regulation.

19 “(bb) EXTENSION.—The
20 Administrator, on publication of
21 notice in the Federal Register,
22 may extend the deadline under
23 item (aa) by not more than 6
24 months.

25 “(H) HEALTH ADVISORY.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the Administrator shall publish a
3 health advisory under paragraph (1)(F) for
4 a perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances not subject to a
7 national primary drinking water regulation
8 not later than 1 year after the later of—

9 “(I) the date on which the Ad-
10 ministrator finalizes a toxicity value
11 for the perfluoroalkyl or
12 polyfluoroalkyl substance or class of
13 perfluoroalkyl or polyfluoroalkyl sub-
14 stances; and

15 “(II) the date on which the Ad-
16 ministrator validates an effective qual-
17 ity control and testing procedure for
18 the perfluoroalkyl or polyfluoroalkyl
19 substance or class of perfluoroalkyl or
20 polyfluoroalkyl substances.

21 “(ii) WAIVER.—The Administrator
22 may waive the requirements of clause (i)
23 with respect to a perfluoroalkyl or
24 polyfluoroalkyl substance or class of
25 perfluoroalkyl and polyfluoroalkyl sub-

1 stances if the Administrator determines
2 that there is a substantial likelihood that
3 the perfluoroalkyl or polyfluoroalkyl sub-
4 stance or class of perfluoroalkyl or
5 polyfluoroalkyl substances will not occur in
6 drinking water with sufficient frequency to
7 justify the publication of a health advisory,
8 and publishes such determination, includ-
9 ing the information and analysis used, and
10 basis for, such determination, in the Fed-
11 eral Register.”.

12 (b) ENFORCEMENT.—Notwithstanding any other
13 provision of law, the Administrator of the Environmental
14 Protection Agency may not impose financial penalties for
15 the violation of a national primary drinking water regula-
16 tion (as defined in section 1401 of the Safe Drinking
17 Water Act (42 U.S.C. 300f)) with respect to a
18 perfluoroalkyl or polyfluoroalkyl substance or class of
19 perfluoroalkyl or polyfluoroalkyl substances for which a
20 national primary drinking water regulation has been pro-
21 mulgated under section 1412(b)(16) of the Safe Drinking
22 Water Act earlier than the date that is 5 years after the
23 date on which the Administrator promulgates the national
24 primary drinking water regulation.

1 **SEC. 6421. PFAS DATA CALL.**

2 Section 8(a)(7) of the Toxic Substances Control Act
3 (15 U.S.C. 2607(a)(7)) is amended by inserting “that con-
4 tains at least one fully fluorinated carbon atom,” after
5 “perfluoroalkyl or polyfluoroalkyl substance”.

6 **SEC. 6422. EPA REQUIREMENT FOR SUBMISSION OF ANA-**
7 **LYTICAL REFERENCE STANDARDS FOR PFAS.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Administrator of the
10 Environmental Protection Agency shall require each cov-
11 ered entity to submit to the Administrator an analytical
12 reference standard for each perfluoroalkyl or
13 polyfluoroalkyl substance with at least one fully
14 fluorinated carbon atom manufactured by the covered en-
15 tity after the date that is 10 years prior to the date of
16 enactment of this Act.

17 (b) USES.—The Administrator may—

18 (1) use an analytical reference standard sub-
19 mitted under this section only for—

20 (A) the development of information, proto-
21 cols, and methodologies, which may be carried
22 out by an entity determined appropriate by the
23 Administrator; and

24 (B) activities relating to the implementa-
25 tion or enforcement of Federal requirements;
26 and

1 (2) provide an analytical reference standard
2 submitted under this section to a State, to be used
3 only for—

4 (A) the development of information, proto-
5 cols, and methodologies, which may be carried
6 out by an entity determined appropriate by the
7 State; and

8 (B) activities relating to the implementa-
9 tion or enforcement of State requirements.

10 (c) PROHIBITION.—No person receiving an analytical
11 reference standard submitted under this section may use
12 or transfer the analytical reference standard for a com-
13 mercial purpose.

14 (d) DEFINITIONS.—In this section:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the Environ-
17 mental Protection Agency.

18 (2) COVERED ENTITY.—The term “covered en-
19 tity” means a manufacturer of a perfluoroalkyl or
20 polyfluoroalkyl substance with at least one fully
21 fluorinated carbon atom.

22 (3) MANUFACTURE; STATE.—The terms “man-
23 ufacture” and “State” have the meanings given
24 those terms in section 3 of the Toxic Substances
25 Control Act (15 U.S.C. 2602).

1 **SEC. 6423. REVIEW OF STANDARD OCCUPATIONAL CLASSI-**
2 **FICATION SYSTEM.**

3 The Director of the Office of Management and Budg-
4 et shall not later than 30 days after the date of the enact-
5 ment of this Act, categorize public safety telecommunica-
6 tors as a protective service occupation under the Standard
7 Occupational Classification System.

8 **SEC. 6424. ELIGIBILITY FOR INTERMENT IN NATIONAL**
9 **CEMETERIES.**

10 (a) IN GENERAL.—Section 2402(a)(10) of title 38,
11 United States Code, is amended—

12 (1) by striking the period at the end and insert-
13 ing “; or”; and

14 (2) by adding at the end the following new sub-
15 paragraph:

16 “(B) who—

17 “(i) the Secretary determines served
18 honorably with a special guerrilla unit or
19 irregular forces operating from a base in
20 Laos in support of the Armed Forces of
21 the United States at any time during the
22 period beginning February 28, 1961, and
23 ending May 7, 1975; and

24 “(ii) at the time of the individual’s
25 death—

1 “(I) was a citizen of the United
2 States or an alien lawfully admitted
3 for permanent residence in the United
4 States; and

5 “(II) resided in the United
6 States.”.

7 (b) **EFFECTIVE DATE.**—The amendments made by
8 this section shall have effect as if included in the enact-
9 ment of section 251(a) of title II of the Military Construc-
10 tion, Veterans Affairs, and Related Agencies Appropria-
11 tions Act, 2018 (division J of Public Law 115–141; 132
12 Stat. 824).

13 **SEC. 6425. AFGHANISTAN REFUGE SPECIAL ENVOY.**

14 (a) **IN GENERAL.**—There is established in the Execu-
15 tive Office of the President an Afghanistan Refuge Special
16 Envoy.

17 (b) **RESPONSIBILITIES.**—The Afghanistan Refuge
18 Special Envoy shall—

19 (1) coordinate with the Secretary of State and
20 the heads of other relevant Executive agencies (as
21 defined under section 105 of title 5, United States
22 Code) to oversee the evacuation of persons from Af-
23 ghanistan to the United States; and

24 (2) coordinate with the Director of the Office of
25 Refugee Resettlement to connect individuals evacu-

1 ated from Afghanistan to the United States with or-
2 ganizations that can facilitate the resettlement of
3 such individuals in the United States.

4 (c) APPOINTMENT.—The President shall appoint the
5 Afghanistan Refuge Special Envoy.

6 (d) NON-COMPETITIVE SERVICE POSITION.—The po-
7 sition established under this section shall not be a competi-
8 tive service position.

9 (e) TERMINATION.—The position established under
10 this section shall terminate on the date that is two years
11 after the date of the enactment of this Act.

12 **SEC. 6426. AUTHORITY OF PRESIDENT TO APPOINT SUC-**
13 **CESSORS TO MEMBERS OF BOARD OF VISI-**
14 **TORS OF MILITARY ACADEMIES WHOSE**
15 **TERMS HAVE EXPIRED.**

16 (a) UNITED STATES MILITARY ACADEMY.—Section
17 7455(b) of title 10, United States Code, is amended by
18 striking “is appointed” and inserting “is appointed by the
19 President”.

20 (b) UNITED STATES NAVAL ACADEMY.—Section
21 8468(b) of title 10, United States Code, is amended by
22 striking “is appointed” and inserting “is appointed by the
23 President”.

24 (c) UNITED STATES AIR FORCE ACADEMY.—Section
25 9455(b)(1) of title 10, United States Code, is amended

1 by striking “is designated” and inserting “is designated
2 by the President”.

3 (d) UNITED STATES COAST GUARD ACADEMY.—Sec-
4 tion 1903(b)(2)(B) of title 14, United States Code, is
5 amended by striking “is appointed” and inserting “is ap-
6 pointed by the President”.

7 **SEC. 6427. AUTHORIZATION FOR UNITED STATES PARTICI-
8 PATION IN THE COALITION FOR EPIDEMIC
9 PREPAREDNESS INNOVATIONS.**

10 (a) IN GENERAL.—The United States is hereby au-
11 thorized to participate in the Coalition for Epidemic Pre-
12 paredness Innovations (“Coalition”).

13 (b) DESIGNATION.—The President is authorized to
14 designate an employee of the relevant Federal department
15 or agency providing the majority of United States con-
16 tributions to the Coalition, who should demonstrate knowl-
17 edge and experience in the fields of development and pub-
18 lic health, epidemiology, or medicine, to serve—

19 (1) on the Investors Council of the Coalition;
20 and

21 (2) if nominated by the President, on the Board
22 of Directors of the Coalition, as a representative of
23 the United States.

24 (c) REPORTS TO CONGRESS.—Not later than 180
25 days after the date of the enactment of this Act, the Presi-

1 dent shall submit to the appropriate congressional com-
2 mittees a report that includes the following:

3 (1) The United States planned contributions to
4 the Coalition and the mechanisms for United States
5 participation in such Coalition.

6 (2) The manner and extent to which the United
7 States shall participate in the governance of the Co-
8 alition.

9 (3) How participation in the Coalition supports
10 relevant United States Government strategies and
11 programs in health security and biodefense, includ-
12 ing—

13 (A) the Global Health Security Strategy
14 required by section 7058(c)(3) of division K of
15 the Consolidated Appropriations Act, 2018
16 (Public Law 115–141);

17 (B) the applicable revision of the National
18 Biodefense Strategy required by section 1086 of
19 the National Defense Authorization Act for Fis-
20 cal Year 2017 (6 U.S.C. 104); and

21 (C) any other relevant decision-making
22 process for policy, planning, and spending in
23 global health security, biodefense, or vaccine
24 and medical countermeasures research and de-
25 velopment.

1 (d) UNITED STATES CONTRIBUTIONS.—Amounts au-
2 thorized to be appropriated under chapters 1 and 10 of
3 part I and chapter 4 of part II of the Foreign Assistance
4 Act of 1961 (22 U.S.C. 2151 et seq.) are authorized to
5 be made available for United States contributions to the
6 Coalition.

7 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—
8 In this section, the term “appropriate congressional com-
9 mittees” means—

10 (1) the Committee on Foreign Affairs and the
11 Committee on Appropriations of the House of Rep-
12 resentatives; and

13 (2) the Committee on Foreign Relations and
14 the Committee on Appropriations of the Senate.

15 **SEC. 6428. SENSE OF CONGRESS ON ROLE OF HUMAN**
16 **RIGHTS IN REDUCING VIOLENCE IN NIGERIA.**

17 It is the sense of Congress as follows:

18 (1) Violence committed by Boko Haram, Is-
19 lamic State in West Africa Province, and other vio-
20 lent extremist groups is a grave danger to the Nige-
21 rian people, to the broader Lake Chad Basin region,
22 and to the continent.

23 (2) Frequent terrorist attacks on individuals,
24 churches, and communities in Nigeria based on reli-

1 gious identity, ethnicity, or other affiliation is a seri-
2 ous violation of human rights.

3 (3) The United States Government should co-
4 operate with Nigeria to better support the Nigerian
5 security forces capacity to respond more effectively
6 to terrorist attacks and sectarian violence.

7 **SEC. 6429. TREATMENT OF PAYCHECK PROTECTION PRO-**
8 **GRAM LOAN FORGIVENESS OF PAYROLL**
9 **COSTS UNDER HIGHWAY AND PUBLIC TRANS-**
10 **PORTATION PROJECT COST REIMBURSE-**
11 **MENT CONTRACTS.**

12 (a) IN GENERAL.—Notwithstanding section 31.201–
13 5 of title 48, Code of Federal Regulations (or successor
14 regulations), for the purposes of any cost-reimbursement
15 contract for architectural and engineering contracts ini-
16 tially awarded in accordance with section 112 of title 23,
17 United States Code, or section 5325(b) of title 49, United
18 States Code, or any subcontract under such a contract,
19 no cost reduction or cash refund shall be due to the De-
20 partment of Transportation or to a State transportation
21 department, transit agency, or other recipient of assist-
22 ance under chapter 1 of title 23, United States Code, or
23 chapter 53 of title 49, United States Code, on the basis
24 of forgiveness of the payroll costs of a covered loan, as

1 defined in section 7A of the Small Business Act (15
2 U.S.C. 636m), pursuant to the provisions of such section.

3 (b) SUNSET.—This section shall expire on June 30,
4 2025.

5 **SEC. 6430. GRANTS TO STATES FOR SEAL OF BILITERACY**
6 **PROGRAMS.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The people of the United States celebrate
9 cultural and linguistic diversity and seek to prepare
10 students with skills to succeed in the 21st century.

11 (2) It is fitting to commend the dedication of
12 students who have achieved proficiency in multiple
13 languages and to encourage their peers to follow in
14 their footsteps.

15 (3) The congressionally requested Commission
16 on Language Learning, in its 2017 report “Amer-
17 ica’s Languages: Investing in Language Education
18 for the 21st Century”, notes the pressing national
19 need for more people of the United States who are
20 proficient in two or more languages for national se-
21 curity, economic growth, and the fulfillment of the
22 potential of all people of the United States.

23 (4) The Commission on Language Learning
24 also notes the extensive cognitive, educational, and
25 employment benefits deriving from biliteracy.

1 (5) Biliteracy in general correlates with higher
2 graduation rates, higher grade point averages, high-
3 er rates of matriculation into higher education, and
4 higher earnings for all students, regardless of back-
5 ground.

6 (6) The study of America’s languages in ele-
7 mentary and secondary schools should be encouraged
8 because it contributes to a student’s cognitive devel-
9 opment and to the national economy and security.

10 (7) Recognition of student achievement in lan-
11 guage proficiency will enable institutions of higher
12 education and employers to readily recognize and ac-
13 knowledge the valuable expertise of bilingual stu-
14 dents in academia and the workplace.

15 (8) States such as Utah, Arizona, Washington,
16 and New Mexico have developed innovative testing
17 methods for languages, including Native American
18 languages, where no formal proficiency test currently
19 exists.

20 (9) The use of proficiency in a government-rec-
21 ognized official Native American language as the
22 base language for a Seal of Biliteracy, with pro-
23 ficiency in any additional partner language dem-
24 onstrated through tested proficiency, has been suc-
25 cessfully demonstrated in Hawaii.

1 (10) Students in every State and every school
2 should be able to benefit from a Seal of Biliteracy
3 program.

4 (b) DEFINITIONS.—In this section:

5 (1) ESEA DEFINITIONS.—The terms “English
6 learner”, “secondary school”, and “State” have the
7 meanings given those terms in section 8101 of the
8 Elementary and Secondary Education Act of 1965
9 (20 U.S.C. 7801).

10 (2) NATIVE AMERICAN LANGUAGES.—The term
11 “Native American languages” has the meaning given
12 the term in section 103 of the Native American Lan-
13 guages Act (25 U.S.C. 2902).

14 (3) SEAL OF BILITERACY PROGRAM.—The term
15 “Seal of Biliteracy program” means any program
16 described in section 4(a) that is established or im-
17 proved, and carried out, with funds received under
18 this section.

19 (4) SECOND LANGUAGE.—The term “second
20 language” means any language other than English
21 (or a Native American language, pursuant to section
22 4(a)(2)), including Braille, American Sign Lan-
23 guage, or a Classical language.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of Education.

1 (c) GRANTS FOR STATE SEAL OF BILITERACY PRO-
2 GRAMS.—

3 (1) ESTABLISHMENT OF PROGRAM.—

4 (A) IN GENERAL.—From amounts made
5 available under paragraph (6), the Secretary
6 shall award grants, on a competitive basis, to
7 States to enable the States to establish or im-
8 prove, and carry out, Seal of Biliteracy pro-
9 grams to recognize student proficiency in speak-
10 ing, reading, and writing in both English and a
11 second language.

12 (B) INCLUSION OF NATIVE AMERICAN LAN-
13 GUAGES.—Notwithstanding subparagraph (A),
14 each Seal of Biliteracy program shall contain
15 provisions allowing the use of Native American
16 languages, including allowing speakers of any
17 Native American language recognized as official
18 by any American government, including any
19 Tribal government, to use equivalent proficiency
20 in speaking, reading, and writing in the Native
21 American language in lieu of proficiency in
22 speaking, reading, and writing in English.

23 (C) DURATION.—A grant awarded under
24 this section shall be for a period of 2 years, and

1 may be renewed at the discretion of the Sec-
2 retary.

3 (D) RENEWAL.—At the end of a grant
4 term, a State that receives a grant under this
5 section may reapply for a grant under this sec-
6 tion.

7 (E) LIMITATIONS.—A State shall not re-
8 ceive more than 1 grant under this section at
9 any time.

10 (F) RETURN OF UNSPENT GRANT
11 FUNDS.—Each State that receives a grant
12 under this section shall return any unspent
13 grant funds not later than 6 months after the
14 date on which the term for the grant ends.

15 (2) GRANT APPLICATION.—A State that desires
16 a grant under this section shall submit an applica-
17 tion to the Secretary at such time, in such manner,
18 and containing such information and assurances as
19 the Secretary may require, including—

20 (A) a description of the criteria a student
21 must meet to demonstrate the proficiency in
22 speaking, reading, and writing in both lan-
23 guages necessary for the State Seal of
24 Biliteracy program;

1 (B) a detailed description of the State's
2 plan—

3 (i) to ensure that English learners
4 and former English learners are included
5 in the State Seal of Biliteracy program;

6 (ii) to ensure that—

7 (I) all languages, including Na-
8 tive American languages, can be test-
9 ed for the State Seal of Biliteracy
10 program; and

11 (II) Native American language
12 speakers and learners are included in
13 the State Seal of Biliteracy program,
14 including students at tribally con-
15 trolled schools and at schools funded
16 by the Bureau of Indian Education;
17 and

18 (iii) to reach students, including eligi-
19 ble students described in paragraph (3)(B)
20 and English learners, their parents, and
21 schools with information regarding the
22 State Seal of Biliteracy program;

23 (C) an assurance that a student who meets
24 the requirements under subparagraph (A) and
25 paragraph (3) receives—

1 (i) a permanent seal or other marker
2 on the student's secondary school diploma
3 or its equivalent; and

4 (ii) documentation of proficiency on
5 the student's official academic transcript;
6 and

7 (D) an assurance that a student is not
8 charged a fee for providing information under
9 paragraph (3)(A).

10 (3) STUDENT PARTICIPATION IN A SEAL OF
11 BILITERACY PROGRAM.—

12 (A) IN GENERAL.—To participate in a Seal
13 of Biliteracy program, a student shall provide
14 information to the State that serves the student
15 at such time, in such manner, and including
16 such information and assurances as the State
17 may require, including an assurance that the
18 student has met the criteria established by the
19 State under paragraph (2)(A).

20 (B) STUDENT ELIGIBILITY FOR PARTICIPA-
21 TION.—A student who gained proficiency in a
22 second language outside of school may apply
23 under subparagraph (A) to participate in a Seal
24 of Biliteracy program.

1 (4) USE OF FUNDS.—Grant funds made avail-
2 able under this section shall be used for—

3 (A) the administrative costs of establishing
4 or improving, and carrying out, a Seal of
5 Biliteracy program that meets the requirements
6 of paragraph (2); and

7 (B) public outreach and education about
8 the Seal of Biliteracy program.

9 (5) REPORT.—Not later than 18 months after
10 receiving a grant under this section, a State shall
11 issue a report to the Secretary describing the imple-
12 mentation of the Seal of Biliteracy program for
13 which the State received the grant.

14 (6) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to carry out
16 this section \$10,000,000 for each of fiscal years
17 2022 through 2026.

18 **SEC. 6431. ANNUAL REPORT FROM THE ADVISORY COM-**
19 **MITTEE ON WOMEN VETERANS.**

20 Subsection (c)(1) of section 542 of title 38, United
21 States Code, is amended by striking “even-numbered
22 year” and inserting “year”.

1 **SEC. 6432. STUDY ON CONTAMINATION OF COLDWATER**
2 **CREEK, MISSOURI.**

3 (a) IN GENERAL.—The Administrator of the Envi-
4 ronmental Protection Agency, in coordination with the
5 Secretary of the Army, the Secretary of Energy, the Ad-
6 ministrator of the Agency for Toxic Substances and Dis-
7 ease Registry, and other appropriate Federal agencies,
8 shall—

9 (1) undertake a review of prior and ongoing ef-
10 forts to remediate radiological contamination in the
11 vicinity of Coldwater Creek in North St. Louis
12 County, Missouri, associated with historic radio-
13 logical waste storage near the St. Louis Airport;

14 (2) consult with State and local agencies, and
15 representatives of the Coldwater Creek community;

16 (3) take into consideration the Public Health
17 Assessment for the Evaluation of Community Expo-
18 sure Related to Coldwater Creek, dated April 30,
19 2019, and prepared by the Agency for Toxic Sub-
20 stances and Disease Registry; and

21 (4) within 180 days of the date of enactment of
22 this section, issue a report to Congress on the status
23 of efforts to reduce or eliminate the potential human
24 health impacts from potential exposure to such con-
25 tamination, including any recommendations for fur-
26 ther action.

1 (b) INSTALLATION OF SIGNAGE TO PREVENT POTEN-
2 TIAL EXPOSURE RISKS.—In accordance with the rec-
3 ommendations of the Public Health Assessment for the
4 Evaluation of Community Exposure Related to Coldwater
5 Creek, the Administrator of the Environmental Protection
6 Agency, in coordination with the Secretary of the Army,
7 shall install signage to inform residents and visitors of po-
8 tential exposure risks in areas around Coldwater Creek
9 where remediation efforts have not been undertaken or
10 completed.

11 **SEC. 6433. RECOGNITION AND HONORING OF SERVICE OF**
12 **INDIVIDUALS WHO SERVED IN UNITED**
13 **STATES CADET NURSE CORPS DURING**
14 **WORLD WAR II.**

15 Section 106 of title 38, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(g)(1)(A) Service as a member of the United States
19 Cadet Nurse Corps during the period beginning on July
20 1, 1943, and ending on December 31, 1948, of any indi-
21 vidual who was honorably discharged therefrom pursuant
22 to subparagraph (B) shall be considered active duty for
23 purposes of eligibility and entitlement to benefits under
24 chapters 23 and 24 of this title (including with respect
25 to headstones and markers), other than such benefits re-

1 lating to the interment of the individual in Arlington Na-
2 tional Cemetery provided solely by reason of such service.

3 “(B)(i) Not later than one year after the date of the
4 enactment of this subsection, the Secretary of Defense
5 shall issue to each individual who served as a member of
6 the United States Cadet Nurse Corps during the period
7 beginning on July 1, 1943, and ending on December 31,
8 1948, a discharge from such service under honorable con-
9 ditions if the Secretary determines that the nature and
10 duration of the service of the individual so warrants.

11 “(ii) A discharge under clause (i) shall designate the
12 date of discharge. The date of discharge shall be the date,
13 as determined by the Secretary, of the termination of serv-
14 ice of the individual concerned as described in that clause.

15 “(2) An individual who receives a discharge under
16 paragraph (1)(B) for service as a member of the United
17 States Cadet Nurse Corps shall be honored as a veteran
18 but shall not be entitled by reason of such service to any
19 benefit under a law administered by the Secretary of Vet-
20 erans Affairs, except as provided in paragraph (1)(A).

21 “(3) The Secretary of Defense may design and
22 produce a service medal or other commendation, or memo-
23 rial plaque or grave marker, to honor individuals who re-
24 ceive a discharge under paragraph (1)(B).”.

1 **SEC. 6434. REPORT RELATING TO ESTABLISHMENT OF**
2 **PRECLEARANCE FACILITY IN TAIWAN.**

3 (a) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Homeland Security, in consultation with
7 the Secretary of Commerce, shall submit to the ap-
8 propriate congressional committees a report that in-
9 cludes an assessment of establishing a preclearance
10 facility in Taiwan.

11 (2) ELEMENTS.—The assessment required
12 under paragraph (1) shall include the following:

13 (A) An assessment with respect to the fea-
14 sibility and advisability of establishing a CBP
15 Preclearance facility in Taiwan.

16 (B) An assessment of the impacts
17 preclearance operations in Taiwan will have
18 with respect to—

19 (i) trade and travel, including impacts
20 on passengers traveling to the United
21 States; and

22 (ii) CBP staffing.

23 (C) Country-specific information relating
24 to—

25 (i) anticipated benefits to the United
26 States; and

1 (ii) security vulnerabilities associated
2 with such preclearance operations.

3 (b) DEFINITIONS.—In this section—

4 (1) The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Homeland Security,
7 the Committee on Finance, and the Committee
8 on Ways and Means of the House of Represent-
9 atives; and

10 (B) the Committee on Commerce, Science,
11 and Transportation, the Committee on Finance,
12 and the Joint Committee on Taxation of the
13 Senate.

14 (2) The term “CBP” means U.S. Customs and
15 Border Protection.

16 **SEC. 6435. DOCUMENTING AND RESPONDING TO DISCRIMI-**
17 **NATION AGAINST MIGRANTS ABROAD.**

18 (a) INFORMATION TO INCLUDE IN ANNUAL COUNTRY
19 REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign
20 Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amend-
21 ed—

22 (1) in section 116(d) (22 U.S.C. 2151n(d))—

23 (A) in paragraph (11)(C), by striking
24 “and” at the end;

1 (B) in paragraph (12)(C)(ii), by striking
2 the period at the end and inserting “; and”;
3 and

4 (C) by adding at the end the following:

5 “(13) wherever applicable, violence or discrimi-
6 nation that affects the fundamental freedoms or
7 human rights of migrants located in a foreign coun-
8 try.”; and

9 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
10 inserting after the ninth sentence the following:

11 “Wherever applicable, such report shall also include
12 information regarding violence or discrimination that
13 affects the fundamental freedoms or human rights of
14 migrants permanently or temporarily located in a
15 foreign country.”.

16 (b) REVIEW AT DIPLOMATIC AND CONSULAR
17 POSTS.—In preparing the annual country reports on
18 human rights practices required under section 116 or
19 502B of the Foreign Assistance Act of 1961 (22 U.S.C.
20 2151n and 2304), as amended by subsection (a), the Sec-
21 retary of State shall obtain information from each diplo-
22 matic and consular post with respect to—

23 (1) incidents of violence against migrants lo-
24 cated in the country in which such post is located;

1 (2) an analysis of the factors enabling or aggra-
2 vating such incidents, such as government policy, so-
3 cietal pressure, or the actions of external actors; and

4 (3) the response, whether public or private, of
5 the personnel of such post with respect to such inci-
6 dents.

7 (c) MIGRANT.—For the purposes of this section and
8 the amendments made by this section, the term “migrant”
9 includes economic migrants, guest workers, refugees, asy-
10 lum-seekers, stateless persons, trafficked persons, undocu-
11 mented migrants, and unaccompanied children, in addi-
12 tion to other individuals who change their country of usual
13 residence temporarily or permanently.

14 **SEC. 6436. SENSE OF CONGRESS ON RECOGNIZING WOMEN**
15 **IN THE UNITED STATES FOR THEIR SERVICE**
16 **IN WORLD WAR II AND RECOGNIZING THE**
17 **ROLE OF REPRESENTATIVE EDITH NOURSE**
18 **ROGERS IN ESTABLISHING THE WOMEN’S**
19 **ARMY AUXILIARY CORPS AND THE WOMEN’S**
20 **ARMY CORPS.**

21 It is the sense of Congress that, on the 79th anniver-
22 sary of the establishment of the Women’s Auxiliary Corps
23 by Congresswoman Edith Nourse Rogers, the United
24 States—

1 (1) honors the women who served the United
2 States in military capacities during World War II;

3 (2) commends those women who, through a
4 sense of duty and willingness to defy stereotypes and
5 social pressures, performed military assignments to
6 aid the war effort, allowing for more combat capac-
7 ity;

8 (3) recognizes that those women, by serving
9 with diligence and merit, not only opened up oppor-
10 tunities for women that had previously been reserved
11 for men, but also contributed vitally to the victory
12 of the United States and the Allies in World War II;
13 and

14 (4) honors the contributions of Congresswoman
15 Edith Nourse Rogers and her fellow Members of
16 Congress who supported the establishment of the
17 Women's Army Auxiliary Corps and the Women's
18 Army Corps.

19 **SEC. 6437. PROTECTION OF SAUDI DISSIDENTS ACT OF 2021.**

20 (a) RESTRICTIONS ON TRANSFERS OF DEFENSE AR-
21 TICLES AND SERVICES, DESIGN AND CONSTRUCTION
22 SERVICES, AND MAJOR DEFENSE EQUIPMENT TO SAUDI
23 ARABIA.—

24 (1) INITIAL PERIOD.—During the 120-day pe-
25 riod beginning on the date of the enactment of this

1 Act, the President may not sell, authorize a license
2 for the export of, or otherwise transfer any defense
3 articles or defense services, design and construction
4 services, or major defense equipment under the
5 Arms Export Control Act (22 U.S.C. 2751 et seq.)
6 to an intelligence, internal security, or law enforce-
7 ment agency or instrumentality of the Government
8 of Saudi Arabia, or to any person acting as an agent
9 of or on behalf of such agency or instrumentality.

10 (2) SUBSEQUENT PERIODS.—

11 (A) IN GENERAL.—During the 120-day pe-
12 riod beginning after the end of the 120-day pe-
13 riod described in paragraph (1), and each 120-
14 day period thereafter, the President may not
15 sell, authorize a license for the export of, or
16 otherwise transfer any defense articles or serv-
17 ices, design and construction services, or major
18 defense equipment under the Arms Export Con-
19 trol Act (22 U.S.C. 2751 et seq.), regardless of
20 the amount of such articles, services, or equip-
21 ment, to an intelligence, internal security, or
22 law enforcement agency or instrumentality of
23 the Government of Saudi Arabia, or to any per-
24 son acting as an agent of or on behalf of such
25 agency or instrumentality, unless the President

1 has submitted to the chairman and ranking
2 member of the appropriate congressional com-
3 mittees a certification described in subpara-
4 graph (B).

5 (B) CERTIFICATION.—A certification de-
6 scribed in this subparagraph is a certification
7 that contains a determination of the President
8 that, during the 120-day period preceding the
9 date of submission of the certification, the
10 United States Government has not determined
11 that the Government of Saudi Arabia has con-
12 ducted any of the following activities:

13 (i) Forced repatriation, intimidation,
14 or killing of dissidents in other countries.

15 (ii) The unjust imprisonment in Saudi
16 Arabia of United States citizens or aliens
17 lawfully admitted for permanent residence
18 or the prohibition on these individuals and
19 their family members from exiting Saudi
20 Arabia.

21 (iii) Torture of detainees in the cus-
22 tody of the Government of Saudi Arabia.

23 (3) EXCEPTION.—The restrictions in this sec-
24 tion shall not apply with respect to the sale, author-
25 ization of a license for export, or transfer of any de-

1 fense articles or services, design and construction
2 services, or major defense equipment under the
3 Arms Export Control Act (22 U.S.C. 2751 et seq.)
4 for use in—

5 (A) the defense of the territory of Saudi
6 Arabia from external threats; or

7 (B) the defense of United States military
8 or diplomatic personnel or United States facili-
9 ties located in Saudi Arabia.

10 (4) WAIVER.—

11 (A) IN GENERAL.—The President may
12 waive the restrictions in this section if the
13 President submits to the appropriate congress-
14 sional committees a report not later than 15
15 days before the granting of such waiver that
16 contains—

17 (i) a determination of the President
18 that such a waiver is in the vital national
19 security interests of the United States; and

20 (ii) a detailed justification for the use
21 of such waiver and the reasons why the re-
22 strictions in this section cannot be met.

23 (B) FORM.—The report required by this
24 paragraph shall be submitted in unclassified
25 form, but may contain a classified annex.

1 (5) SUNSET.—This subsection shall terminate
2 on the date that is 3 years after the date of the en-
3 actment of this Act.

4 (6) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES DEFINED.—In this subsection, the term “ap-
6 propriate congressional committees” means—

7 (A) the Committee on Foreign Affairs, the
8 Permanent Select Committee on Intelligence,
9 and the Committee on Armed Services of the
10 House of Representatives; and

11 (B) the Committee on Foreign Relations,
12 the Select Committee on Intelligence, and the
13 Committee on Armed Services of the Senate.

14 (b) REPORT ON CONSISTENT PATTERN OF ACTS OF
15 INTIMIDATION OR HARASSMENT DIRECTED AGAINST IN-
16 DIVIDUALS IN THE UNITED STATES.—

17 (1) FINDINGS.—Congress finds the following:

18 (A) Section 6 of the Arms Export Control
19 Act (22 U.S.C. 2756) states that “no transfers
20 or letters of offer may be issued, no credits or
21 guarantees may be extended, and no export li-
22 censes may be issued under this Act with re-
23 spect to any country determined by the Presi-
24 dent to be engaged in a consistent pattern of

1 acts of intimidation or harassment directed
2 against individuals in the United States”.

3 (B) Section 6 of the Arms Export Control
4 Act further requires the President to report any
5 such determination promptly to the Speaker of
6 the House of Representatives, the Committee
7 on Foreign Affairs of the House of Representa-
8 tives, and to the chairman of the Committee on
9 Foreign Relations of the Senate.

10 (2) REPORT.—Not later than 60 days after the
11 date of the enactment of this Act, the President
12 shall submit to the appropriate congressional com-
13 mittees a report on—

14 (A) whether any official of the Government
15 of Saudi Arabia engaged in a consistent pattern
16 of acts of intimidation or harassment directed
17 against Jamal Khashoggi or any individual in
18 the United States; and

19 (B) whether any United States-origin de-
20 fense articles were used in the activities de-
21 scribed in subparagraph (A).

22 (3) FORM.—The report required by paragraph
23 (2) shall be submitted in unclassified form but may
24 contain a classified annex.

1 (4) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means—

4 (A) the Committee on Foreign Affairs and
5 the Permanent Select Committee on Intelligence
6 of the House of Representatives; and

7 (B) the Committee on Foreign Relations
8 and the Select Committee on Intelligence of the
9 Senate.

10 (c) REPORT AND CERTIFICATION WITH RESPECT TO
11 SAUDI DIPLOMATS AND DIPLOMATIC FACILITIES IN THE
12 UNITED STATES.—

13 (1) REPORT.—Not later than 120 days after
14 the date of the enactment of this Act, the President
15 shall submit to the appropriate congressional com-
16 mittees a report covering the three-year period pre-
17 ceding such date of enactment regarding whether
18 and to what extent covered persons used diplomatic
19 credentials, visas, or covered facilities to facilitate
20 monitoring, tracking, surveillance, or harassment of,
21 or harm to, other nationals of Saudi Arabia living in
22 the United States.

23 (2) CERTIFICATION.—

24 (A) IN GENERAL.—Not later than 120
25 days after the date of the enactment of this

1 Act, and each 120-day period thereafter, the
2 President shall, if the President determines that
3 such is the case, submit to the appropriate con-
4 gressional committees a certification that the
5 United States Government has not determined
6 covered persons to be using diplomatic creden-
7 tials, visas, or covered facilities to facilitate seri-
8 ous harassment of, or harm to, other nationals
9 of Saudi Arabia living in the United States dur-
10 ing the time period covered by each such certifi-
11 cation.

12 (B) FAILURE TO SUBMIT CERTIFI-
13 CATION.—If the President does not submit a
14 certification under subparagraph (A), the Presi-
15 dent shall—

16 (i) close one or more covered facilities
17 for such period of time until the President
18 does submit such a certification; and

19 (ii) submit to the appropriate congres-
20 sional committee a report that contains—

21 (I) a detailed explanation of why
22 the President is unable to make such
23 a certification;

24 (II) a list and summary of en-
25 gagements of the United States Gov-

1 ernment with the Government of
2 Saudi Arabia regarding the use of
3 diplomatic credentials, visas, or cov-
4 ered facilities described in subpara-
5 graph (A); and

6 (III) a description of actions the
7 United States Government has taken
8 or intends to take in response to the
9 use of diplomatic credentials, visas, or
10 covered facilities described in subpara-
11 graph (A).

12 (3) FORM.—The report required by paragraph
13 (1) and the certification and report required by
14 paragraph (2) shall be submitted in unclassified
15 form but may contain a classified annex.

16 (4) WAIVER.—

17 (A) IN GENERAL.—The President may
18 waive the restrictions in this section if the
19 President submits to the appropriate congress-
20 sional committees a report not later than 15
21 days before the granting of such waiver that
22 contains—

23 (i) a determination of the President
24 that such a waiver is in the vital national
25 security interests of the United States; and

1 (ii) a detailed justification for the use
2 of such waiver and the reasons why the re-
3 strictions in this section cannot be met.

4 (B) FORM.—The report required by this
5 paragraph shall be submitted in unclassified
6 form, but may contain a classified annex.

7 (5) SUNSET.—This subsection shall terminate
8 on the date that is 3 years after the date of the en-
9 actment of this Act.

10 (6) DEFINITIONS.—In this subsection:

11 (A) APPROPRIATE CONGRESSIONAL COM-
12 MITTEES.—The term “appropriate congres-
13 sional committees” means—

14 (i) the Committee on Foreign Affairs
15 and the Permanent Select Committee on
16 Intelligence of the House of Representa-
17 tives; and

18 (ii) the Committee on Foreign Rela-
19 tions and the Select Committee on Intel-
20 ligence of the Senate.

21 (B) COVERED FACILITY.—The term “cov-
22 ered facility” means a diplomatic or consular
23 facility of Saudi Arabia in the United States.

1 (C) COVERED PERSON.—The term “cov-
2 ered person” means a national of Saudi Arabia
3 credentialed to a covered facility.

4 (d) REPORT ON THE DUTY TO WARN OBLIGATION
5 OF THE GOVERNMENT OF THE UNITED STATES.—

6 (1) FINDINGS.—Congress finds that Intel-
7 ligence Community Directive 191 provides that—

8 (A) when an element of the intelligence
9 community of the United States collects or ac-
10 quires credible and specific information indi-
11 cating an impending threat of intentional kill-
12 ing, serious bodily injury, or kidnapping di-
13 rected at a person, the agency must “warn the
14 intended victim or those responsible for pro-
15 tecting the intended victim, as appropriate” un-
16 less an applicable waiver of the duty is granted
17 by the appropriate official within the element;
18 and

19 (B) when issues arise with respect to
20 whether the threat information rises to the
21 threshold of “duty to warn”, the directive calls
22 for resolution in favor of warning the intended
23 victim.

24 (2) REPORT.—Not later than 90 days after the
25 date of the enactment of this Act, the Director of

1 National Intelligence, in coordination with the heads
2 of other relevant United States intelligence agencies,
3 shall submit to the appropriate congressional com-
4 mittees a report with respect to—

5 (A) whether and how the intelligence com-
6 munity fulfilled its duty to warn Jamal
7 Khashoggi of threats to his life and liberty pur-
8 suant to Intelligence Community Directive 191;
9 and

10 (B) in the case of the intelligence commu-
11 nity not fulfilling its duty to warn as described
12 in paragraph (1), why the intelligence commu-
13 nity did not fulfill this duty.

14 (3) FORM.—The report required by paragraph
15 (2) shall be submitted in unclassified form but may
16 contain a classified annex.

17 (4) DEFINITIONS.—In this subsection:

18 (A) APPROPRIATE CONGRESSIONAL COM-
19 MITTEES.—The term “appropriate congres-
20 sional committees” means—

21 (i) the Committee on Foreign Affairs
22 and the Permanent Select Committee on
23 Intelligence of the House of Representa-
24 tives; and

1 (ii) the Committee on Foreign Rela-
2 tions and the Select Committee on Intel-
3 ligence of the Senate.

4 (B) DUTY TO WARN.—The term “duty to
5 warn” has the meaning given that term in In-
6 telligence Community Directive 191, as in effect
7 on July 21, 2015.

8 (C) INTELLIGENCE COMMUNITY.—The
9 term “intelligence community” has the meaning
10 given such term in section 3(4) of the National
11 Security Act of 1947 (50 U.S.C. 3003(4)).

12 (D) RELEVANT UNITED STATES INTEL-
13 LIGENCE AGENCY.—The term “relevant United
14 States intelligence agency” means any element
15 of the intelligence community that may have
16 possessed intelligence reporting regarding
17 threats to Jamal Khashoggi.

18 **SEC. 6438. GLOBAL HEALTH SECURITY ACT OF 2021.**

19 (a) GLOBAL HEALTH SECURITY AGENDA INTER-
20 AGENCY REVIEW COUNCIL.—

21 (1) ESTABLISHMENT.—The President shall es-
22 tablish a Global Health Security Agenda Interagency
23 Review Council (in this section referred to as the
24 “Council”) to perform the general responsibilities

1 described in paragraph (3) and the specific roles and
2 responsibilities described in paragraph (5).

3 (2) MEETINGS.—The Council shall meet not
4 less than four times per year to advance its mission
5 and fulfill its responsibilities.

6 (3) GENERAL RESPONSIBILITIES.—The Council
7 shall be responsible for the following activities:

8 (A) Provide policy-level recommendations
9 to participating agencies on Global Health Se-
10 curity Agenda (GHSA) goals, objectives, and
11 implementation, and other international efforts
12 to strengthen pandemic preparedness and re-
13 sponse.

14 (B) Facilitate interagency, multi-sectoral
15 engagement to carry out GHSA implementa-
16 tion.

17 (C) Provide a forum for raising and work-
18 ing to resolve interagency disagreements con-
19 cerning the GHSA, and other international ef-
20 forts to strengthen pandemic preparedness and
21 response.

22 (D)(i) Review the progress toward and
23 work to resolve challenges in achieving United
24 States commitments under the GHSA, includ-

1 ing commitments to assist other countries in
2 achieving the GHSA targets.

3 (ii) The Council shall consider, among
4 other issues, the following:

5 (I) The status of United States
6 financial commitments to the GHSA
7 in the context of commitments by
8 other donors, and the contributions of
9 partner countries to achieve the
10 GHSA targets.

11 (II) The progress toward the
12 milestones outlined in GHSA national
13 plans for those countries where the
14 United States Government has com-
15 mitted to assist in implementing the
16 GHSA and in annual work-plans out-
17 lining agency priorities for imple-
18 menting the GHSA.

19 (III) The external evaluations of
20 United States and partner country ca-
21 pabilities to address infectious disease
22 threats, including the ability to
23 achieve the targets outlined within the
24 WHO Joint External Evaluation tool,

1 as well as gaps identified by such ex-
2 ternal evaluations.

3 (4) PARTICIPATION.—The Council shall be
4 headed by the Assistant to the President for Na-
5 tional Security Affairs, in coordination with the
6 heads of relevant Federal agencies. The Council
7 shall consist of representatives from the following
8 agencies:

9 (A) The Department of State.

10 (B) The Department of Defense.

11 (C) The Department of Justice.

12 (D) The Department of Agriculture.

13 (E) The Department of Health and
14 Human Services.

15 (F) The Department of the Treasury.

16 (G) The Department of Labor.

17 (H) The Department of Homeland Secu-
18 rity.

19 (I) The Office of Management and Budget.

20 (J) The Office of the Director of National
21 Intelligence.

22 (K) The United States Agency for Inter-
23 national Development.

24 (L) The Environmental Protection Agency.

1 (M) The Centers for Disease Control and
2 Prevention.

3 (N) The Office of Science and Technology
4 Policy.

5 (O) The National Institutes of Health.

6 (P) The National Institute of Allergy and
7 Infectious Diseases.

8 (Q) Such other agencies as the Council de-
9 termines to be appropriate.

10 (5) SPECIFIC ROLES AND RESPONSIBILITIES.—

11 (A) IN GENERAL.—The heads of agencies
12 described in paragraph (4) shall—

13 (i) make the GHSA and its implemen-
14 tation and global pandemic preparedness a
15 high priority within their respective agen-
16 cies, and include GHSA- and global pan-
17 demic preparedness-related activities with-
18 in their respective agencies' strategic plan-
19 ning and budget processes;

20 (ii) designate a senior-level official to
21 be responsible for the implementation of
22 this Act;

23 (iii) designate, in accordance with
24 paragraph (4), an appropriate representa-

1 tive at the Assistant Secretary level or
2 higher to participate on the Council;

3 (iv) keep the Council apprised of
4 GHSA-related activities undertaken within
5 their respective agencies;

6 (v) maintain responsibility for agency-
7 related programmatic functions in coordi-
8 nation with host governments, country
9 teams, and GHSA in-country teams, and
10 in conjunction with other relevant agencies;

11 (vi) coordinate with other agencies
12 that are identified in this section to satisfy
13 programmatic goals, and further facilitate
14 coordination of country teams, implemen-
15 ters, and donors in host countries; and

16 (vii) coordinate across national health
17 security action plans and with GHSA and
18 other partners, as appropriate, to which
19 the United States is providing assistance.

20 (B) ADDITIONAL ROLES AND RESPON-
21 SIBILITIES.—In addition to the roles and re-
22 sponsibilities described in subparagraph (A),
23 the heads of agencies described in paragraph
24 (4) shall carry out their respective roles and re-
25 sponsibilities described in subsections (b)

1 through (i) of section 3 of Executive Order
2 13747 (81 Fed. Reg. 78701; relating to Ad-
3 vancing the Global Health Security Agenda to
4 Achieve a World Safe and Secure from Infec-
5 tious Disease Threats), as in effect on the day
6 before the date of the enactment of this Act.

7 (b) UNITED STATES COORDINATOR FOR GLOBAL
8 HEALTH SECURITY.—

9 (1) IN GENERAL.—The President shall appoint
10 an individual to the position of United States Coor-
11 dinator for Global Health Security, who shall be re-
12 sponsible for the coordination of the interagency
13 process for responding to global health security
14 emergencies. As appropriate, the designee shall co-
15 ordinate with the President’s Special Coordinator for
16 International Disaster Assistance.

17 (2) CONGRESSIONAL BRIEFING.—Not less fre-
18 quently than twice each year, the employee des-
19 igned under this section shall provide to the appro-
20 priate congressional committees a briefing on the re-
21 sponsibilities and activities of the individual under
22 this section.

23 (c) STRATEGY AND REPORTS.—

24 (1) STATEMENT OF POLICY.—It is the policy of
25 the United States to—

1 (A) promote and invest in global health se-
2 curity and pandemic preparedness as a core na-
3 tional security interest;

4 (B) advance the aims of the Global Health
5 Security Agenda;

6 (C) collaborate with other countries to de-
7 tect and mitigate outbreaks early to prevent the
8 spread of disease;

9 (D) encourage and support other countries
10 to advance pandemic preparedness by investing
11 in basic resilient and sustainable health care
12 systems; and

13 (E) strengthen global health security
14 across the intersection of human and animal
15 health to prepare for and prevent infectious dis-
16 ease outbreaks and combat the growing threat
17 of antimicrobial resistance.

18 (2) STRATEGY.—The President shall coordinate
19 the development and implementation of a strategy to
20 implement the policy aims described in paragraph
21 (1), which shall—

22 (A) seek to strengthen United States diplo-
23 matic leadership and improve the effectiveness
24 of United States foreign assistance for global
25 health security to prevent, detect, and respond

1 to infectious disease threats, including through
2 advancement of the Global Health Security
3 Agenda (GHSA), the International Health Reg-
4 ulations (2005), and other relevant frameworks
5 that contribute to global health security and
6 pandemic preparedness;

7 (B) establish specific and measurable
8 goals, benchmarks, timetables, performance
9 metrics, and monitoring and evaluation plans
10 for United States foreign assistance for global
11 health security that promote learning and re-
12 flect international best practices relating to
13 global health security, transparency, and ac-
14 countability;

15 (C) establish mechanisms to improve co-
16 ordination and avoid duplication of effort be-
17 tween the United States Government and part-
18 ner countries, donor countries, the private sec-
19 tor, multilateral organizations, and other key
20 stakeholders;

21 (D) prioritize working with partner coun-
22 tries with demonstrated—

23 (i) need, as identified through the
24 Joint External Evaluation process, the
25 Global Health Security Index classification

1 of health systems, national action plans for
2 health security, GHSA Action Packages,
3 and other complementary or successor in-
4 dicators of global health security and pan-
5 demic preparedness; and

6 (ii) commitment to transparency, in-
7 cluding budget and global health data
8 transparency, complying with the Inter-
9 national Health Regulations (2005), in-
10 vesting in domestic health systems, and
11 achieving measurable results;

12 (E) reduce long-term reliance upon United
13 States foreign assistance for global health secu-
14 rity by promoting partner country ownership,
15 improved domestic resource mobilization, co-fi-
16 nancing, and appropriate national budget allo-
17 cations for global health security and pandemic
18 preparedness and response;

19 (F) assist partner countries in building the
20 technical capacity of relevant ministries, sys-
21 tems, and networks to prepare, execute, mon-
22 itor, and evaluate effective national action plans
23 for health security, including mechanisms to en-
24 hance budget and global health data trans-
25 parency, as necessary and appropriate;

1 (G) support and be aligned with country-
2 owned global health security policy and invest-
3 ment plans developed with input from key
4 stakeholders, as appropriate;

5 (H) facilitate communication and collabo-
6 ration, as appropriate, among local stakeholders
7 in support of a multi-sectoral approach to glob-
8 al health security;

9 (I) support the long-term success of pro-
10 grams by building the capacity of local organi-
11 zations and institutions in target countries and
12 communities;

13 (J) develop community resilience to infec-
14 tious disease threats and emergencies;

15 (K) support global health budget and
16 workforce planning in partner countries, includ-
17 ing training in financial management and budg-
18 et and global health data transparency;

19 (L) align United States foreign assistance
20 for global health security with national action
21 plans for health security in partner countries,
22 developed with input from key stakeholders, in-
23 cluding the private sector, to the greatest extent
24 practicable and appropriate;

1 (M) strengthen linkages between com-
2 plementary bilateral and multilateral foreign as-
3 sistance programs, including efforts of the
4 World Bank, the World Health Organization,
5 the Global Fund to Fight AIDS, Tuberculosis,
6 and Malaria, and Gavi, the Vaccine Alliance,
7 that contribute to the development of more re-
8 siliant health systems and supply chains in
9 partner countries with the capacity, resources,
10 and personnel required to prevent, detect, and
11 respond to infectious disease threats;

12 (N) support innovation and public-private
13 partnerships to improve pandemic preparedness
14 and response, including for the development
15 and deployment of effective, accessible, and af-
16 fordable infectious disease tracking tools,
17 diagnostics, therapeutics, and vaccines;

18 (O) support collaboration with and among
19 relevant public and private research entities en-
20 gaged in global health security; and

21 (P) support collaboration between United
22 States universities and public and private insti-
23 tutions in partner countries that promote global
24 health security and innovation.

25 (3) STRATEGY SUBMISSION.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of the enactment of this
3 Act, the President, in consultation with the
4 head of each relevant Federal department and
5 agency, shall submit to the appropriate congress-
6 sional committees the strategy required under
7 paragraph (2) that provides a detailed descrip-
8 tion of how the United States intends to ad-
9 vance the policy set forth in paragraph (1) and
10 the agency-specific plans described in subpara-
11 graph (B).

12 (B) AGENCY-SPECIFIC PLANS.—The strat-
13 egy required under subsection (a) shall include
14 specific implementation plans from each rel-
15 evant Federal department and agency that de-
16 scribe—

17 (i) the anticipated contributions of the
18 department or agency, including technical,
19 financial, and in-kind contributions, to im-
20 plement the strategy; and

21 (ii) the efforts of the department or
22 agency to ensure that the activities and
23 programs carried out pursuant to the
24 strategy are designed to achieve maximum
25 impact and long-term sustainability.

1 (4) REPORT.—

2 (A) IN GENERAL.—Not later than 1 year
3 after the date on which the strategy required
4 under paragraph (2) is submitted to the appro-
5 priate congressional committees under para-
6 graph (3), and not later than October 1 of each
7 year thereafter, the President shall submit to
8 the appropriate congressional committees a re-
9 port that describes the status of the implemen-
10 tation of the strategy.

11 (B) CONTENTS.—The report required
12 under subparagraph (A) shall—

13 (i) identify any substantial changes
14 made in the strategy during the preceding
15 calendar year;

16 (ii) describe the progress made in im-
17 plementing the strategy;

18 (iii) identify the indicators used to es-
19 tablish benchmarks and measure results
20 over time, as well as the mechanisms for
21 reporting such results in an open and
22 transparent manner;

23 (iv) contain a transparent, open, and
24 detailed accounting of expenditures by rel-
25 evant Federal departments and agencies to

1 implement the strategy, including, to the
2 extent practicable, for each Federal depart-
3 ment and agency, the statutory source of
4 expenditures, amounts expended, partners,
5 targeted populations, and types of activi-
6 ties supported;

7 (v) describe how the strategy
8 leverages other United States global health
9 and development assistance programs and
10 bilateral and multilateral institutions;

11 (vi) assess efforts to coordinate
12 United States global health security pro-
13 grams, activities, and initiatives with key
14 stakeholders;

15 (vii) incorporate a plan for regularly
16 reviewing and updating strategies, partner-
17 ships, and programs and sharing lessons
18 learned with a wide range of stakeholders,
19 including key stakeholders, in an open,
20 transparent manner; and

21 (viii) describe the progress achieved
22 and challenges concerning the United
23 States Government's ability to advance
24 GHSA and pandemic preparedness, includ-
25 ing data disaggregated by priority country

1 using indicators that are consistent on a
2 year-to-year basis and recommendations to
3 resolve, mitigate, or otherwise address the
4 challenges identified therein.

5 (5) FORM.—The strategy required under para-
6 graph (2) and the report required under paragraph
7 (4) shall be submitted in unclassified form but may
8 contain a classified annex.

9 (d) ESTABLISHMENT OF FUND FOR GLOBAL
10 HEALTH SECURITY AND PANDEMIC PREPAREDNESS.—

11 (1) NEGOTIATIONS FOR ESTABLISHMENT OF A
12 FUND FOR GLOBAL HEALTH SECURITY AND PAN-
13 DEMIC PREPAREDNESS.—The Secretary of State, in
14 coordination with the Secretary of the Treasury, the
15 Administrator of the United States Agency for
16 International Development, the Secretary of Health
17 and Human Services, and the heads of other rel-
18 evant Federal departments and agencies as nec-
19 essary and appropriate, should seek to enter into ne-
20 gotiations with donors, relevant United Nations
21 agencies, including the World Health Organization,
22 and other key multilateral stakeholders, for the es-
23 tablishment of—

24 (A) a multilateral, catalytic financing
25 mechanism for global health security and pan-

1 demic preparedness, which may be known as
2 the Fund for Global Health Security and Pan-
3 demic Preparedness (in this title referred to as
4 “the Fund”), in accordance with the provisions
5 of this section; and

6 (B) an Advisory Board to the Fund in ac-
7 cordance with subsection (g).

8 (2) PURPOSE.—The purpose of the Fund
9 should be to close critical gaps in global health secu-
10 rity and pandemic preparedness and build capacity
11 in eligible partner countries in the areas of global
12 health security, infectious disease control, and pan-
13 demic preparedness, such that it—

14 (A) prioritizes capacity building and fi-
15 nancing availability in eligible partner countries;

16 (B) incentivizes countries to prioritize the
17 use of domestic resources for global health secu-
18 rity and pandemic preparedness;

19 (C) leverages government, nongovernment,
20 and private sector investments;

21 (D) regularly responds to and evaluates
22 progress based on clear metrics and bench-
23 marks, such as the Joint External Evaluation
24 and Global Health Security Index;

1 (E) aligns with and complements ongoing
2 bilateral and multilateral efforts and financing,
3 including through the World Bank, the World
4 Health Organization, the Global Fund to Fight
5 AIDS, Tuberculosis, and Malaria, and Gavi, the
6 Vaccine Alliance; and

7 (F) accelerates country compliance with
8 the International Health Regulations (2005)
9 and fulfillment of the Global Health Security
10 Agenda 2024 Framework, in coordination with
11 the ongoing Joint External Evaluation national
12 action planning process.

13 (3) EXECUTIVE BOARD.—

14 (A) IN GENERAL.—The Fund should be
15 governed by an Executive Board, which should
16 be composed of not more than 20 representa-
17 tives of donor governments, foundations, aca-
18 demic institutions, civil society, and the private
19 sector that meet a minimum threshold in an-
20 nual contributions and agree to uphold trans-
21 parency measures.

22 (B) DUTIES.—The Executive Board should
23 be charged with approving strategies, oper-
24 ations, and grant-making authorities, such that
25 it is able to conduct effective fiduciary, moni-

1 toring, and evaluation efforts, and other over-
2 sight functions. In addition, the Executive
3 Board should—

4 (i) be comprised only of contributors
5 to the Fund at not less than the minimum
6 threshold to be established pursuant to
7 subparagraph (A);

8 (ii) determine operational procedures
9 such that the Fund is able to effectively
10 fulfill its mission; and

11 (iii) provide oversight and account-
12 ability for the Fund in collaboration with
13 the Inspector General to be established
14 pursuant to subsection (f)(5)(A).

15 (C) COMPOSITION.—The Executive Board
16 should include—

17 (i) representatives of the governments
18 of founding permanent member countries
19 who, in addition to the requirements in
20 subparagraph (A), qualify based upon
21 meeting an established initial contribution
22 threshold, which should be not less than 10
23 percent of total initial contributions, and a
24 demonstrated commitment to supporting

1 the International Health Regulations
2 (2005);

3 (ii) term members, who are from aca-
4 demic institutions, civil society, and the
5 private sector and are selected by the per-
6 manent members on the basis of their ex-
7 perience and commitment to innovation,
8 best practices, and the advancement of
9 global health security objectives; and

10 (iii) representatives of the World
11 Health Organization, and the chair of the
12 Global Health Security Steering Group.

13 (D) QUALIFICATIONS.—Individuals ap-
14 pointed to the Executive Board should have
15 demonstrated knowledge and experience across
16 a variety of sectors, including human and ani-
17 mal health, agriculture, development, defense,
18 finance, research, and academia.

19 (E) CONFLICTS OF INTEREST.—

20 (i) TECHNICAL EXPERTS.—The Exec-
21 utive Board may include independent tech-
22 nical experts, provided they are not affili-
23 ated with or employed by a recipient coun-
24 try or organization.

1 (ii) MULTILATERAL BODIES AND IN-
2 STITUTIONS.—Executive Board members
3 appointed under subparagraph (C)(iii)
4 should recuse themselves from matters pre-
5 senting conflicts of interest, including fi-
6 nancing decisions relating to such bodies
7 and institutions.

8 (F) UNITED STATES REPRESENTATION.—

9 (i) IN GENERAL.—

10 (I) FOUNDING PERMANENT MEM-
11 BER.—The Secretary of State shall
12 seek to establish the United States as
13 a founding permanent member of the
14 Fund.

15 (II) UNITED STATES REPRESEN-
16 TATION.—The United States shall be
17 represented on the Executive Board
18 by an officer or employee of the
19 United States appointed by the Presi-
20 dent.

21 (ii) EFFECTIVE AND TERMINATION
22 DATES.—

23 (I) EFFECTIVE DATE.—This
24 paragraph shall take effect upon the
25 date the Secretary of State certifies

1 and transmits to Congress an agree-
2 ment establishing the Fund.

3 (II) TERMINATION DATE.—The
4 membership established pursuant to
5 clause (i) shall terminate upon the
6 date of termination of the Fund.

7 (G) REMOVAL PROCEDURES.—The Fund
8 should establish procedures for the removal of
9 members of the Executive Board who engage in
10 a consistent pattern of human rights abuses,
11 fail to uphold global health data transparency
12 requirements, or otherwise violate the estab-
13 lished standards of the Fund, including in rela-
14 tion to corruption.

15 (H) ENFORCEABILITY.—Any agreement
16 concluded under the authorities provided by this
17 section shall be legally effective and binding
18 upon the United States, as may be provided in
19 the agreement, upon—

20 (i) the enactment of appropriate im-
21 plementing legislation which provides for
22 the approval of the specific agreement or
23 agreements, including attachments, an-
24 nexes, and supporting documentation, as
25 appropriate; or

1 (ii) if concluded and submitted as a
2 treaty, receiving the necessary consent of
3 the Senate.

4 (I) ELIGIBLE PARTNER COUNTRY DE-
5 FINED.—In this section, the term “eligible part-
6 ner country” means a country with dem-
7 onstrated—

8 (i) need, as identified through the
9 Joint External Evaluation process, the
10 Global Health Security Index classification
11 of health systems, national action plans for
12 health security, and other complementary
13 or successor indicators of global health se-
14 curity and pandemic preparedness; and

15 (ii) commitment to transparency, in-
16 cluding budget and global health data
17 transparency, complying with the Inter-
18 national Health Regulations (2005), in-
19 vesting in domestic health systems, and
20 achieving measurable results, and in which
21 the Fund for Global Health Security and
22 Pandemic Preparedness established under
23 this section may finance global health secu-
24 rity and pandemic preparedness assistance
25 programs under this Act.

1 (e) FUND AUTHORITIES.—

2 (1) PROGRAM OBJECTIVES.—

3 (A) IN GENERAL.—In carrying out the
4 purpose set forth in subsection (d), the Fund,
5 acting through the Executive Board, should
6 provide grants, including challenge grants, tech-
7 nical assistance, concessional lending, catalytic
8 investment funds, and other innovative funding
9 mechanisms, as appropriate, to—

10 (i) help eligible partner countries close
11 critical gaps in health security, as identi-
12 fied through the Joint External Evaluation
13 process, the Global Health Security Index
14 classification of health systems, and na-
15 tional action plans for health security and
16 other complementary or successor indica-
17 tors of global health security and pandemic
18 preparedness; and

19 (ii) support measures that enable such
20 countries, at both national and sub-na-
21 tional levels, and in partnership with civil
22 society and the private sector, to strength-
23 en and sustain resilient health systems and
24 supply chains with the resources, capacity,
25 and personnel required to prevent, detect,

1 mitigate, and respond to infectious disease
2 threats before they become pandemics.

3 (B) ACTIVITIES SUPPORTED.—The activi-
4 ties to be supported by the Fund should include
5 efforts to—

6 (i) enable eligible partner countries to
7 formulate and implement national health
8 security and pandemic preparedness action
9 plans, advance action packages under the
10 Global Health Security Agenda, and adopt
11 and uphold commitments under the Inter-
12 national Health Regulations (2005) and
13 other related international health agree-
14 ments, as appropriate;

15 (ii) support global health security
16 budget planning in eligible partner coun-
17 tries, including training in financial man-
18 agement and budget and global health data
19 transparency;

20 (iii) strengthen the health security
21 workforce, including hiring, training, and
22 deploying experts to improve frontline pre-
23 paredness for emerging epidemic and pan-
24 demic threats;

- 1 (iv) improve infection control and the
2 protection of healthcare workers within
3 healthcare settings;
- 4 (v) combat the threat of antimicrobial
5 resistance;
- 6 (vi) strengthen laboratory capacity
7 and promote biosafety and biosecurity
8 through the provision of material and tech-
9 nical assistance;
- 10 (vii) reduce the risk of bioterrorism,
11 zoonotic disease spillover, and accidental
12 biological release;
- 13 (viii) build technical capacity to man-
14 age global health security related supply
15 chains, including for personal protective
16 equipment, oxygen, testing reagents, and
17 other lifesaving supplies, through effective
18 forecasting, procurement, warehousing,
19 and delivery from central warehouses to
20 points of service in both the public and pri-
21 vate sectors;
- 22 (ix) enable bilateral, regional, and
23 international partnerships and cooperation,
24 including through pandemic early warning
25 systems and emergency operations centers,

1 to identify and address transnational infec-
2 tious disease threats exacerbated by nat-
3 ural and man-made disasters, human dis-
4 placement, and zoonotic infection;

5 (x) establish partnerships for the
6 sharing of best practices and enabling eli-
7 gible countries to meet targets and indica-
8 tors under the Joint External Evaluation
9 process, the Global Health Security Index
10 classification of health systems, and na-
11 tional action plans for health security re-
12 lating to the detection, treatment, and pre-
13 vention of neglected tropical diseases;

14 (xi) build the technical capacity of eli-
15 gible partner countries to prepare for and
16 respond to second order development im-
17 pacts of infectious disease outbreaks, while
18 accounting for the differentiated needs and
19 vulnerabilities of marginalized populations;

20 (xii) develop and utilize metrics to
21 monitor and evaluate programmatic per-
22 formance and identify best practices, in-
23 cluding in accordance with Joint External
24 Evaluation benchmarks, Global Health Se-

1 security Agenda targets, and Global Health
2 Security Index indicators;

3 (xiii) develop and deploy mechanisms
4 to enhance the transparency and account-
5 ability of global health security and pan-
6 demic preparedness programs and data, in
7 compliance with the International Health
8 Regulations (2005), including through the
9 sharing of trends, risks, and lessons
10 learned; and

11 (xiv) develop and implement simula-
12 tion exercises, produce and release after
13 action reports, and address related gaps.

14 (C) IMPLEMENTATION OF PROGRAM OB-
15 JECTIVES.—In carrying out the objectives of
16 this paragraph, the Fund should work to elimi-
17 nate duplication and waste by upholding strict
18 transparency and accountability standards and
19 coordinating its programs and activities with
20 key partners working to advance global health
21 security and pandemic preparedness, includ-
22 ing—

23 (i) governments, civil society, faith-
24 based, and nongovernmental organizations,
25 research and academic institutions, and

1 private sector entities in eligible partner
2 countries;

3 (ii) the pandemic early warning sys-
4 tems and emergency operations centers to
5 be established under subparagraph (B)(ix);

6 (iii) the World Health Organization;

7 (iv) the Global Health Security Agen-
8 da;

9 (v) the Global Health Security Initia-
10 tive;

11 (vi) the Global Fund to Fight AIDS,
12 Tuberculosis, and Malaria;

13 (vii) the United Nations Office for the
14 Coordination of Humanitarian Affairs,
15 UNICEF, and other relevant funds, pro-
16 grams, and specialized agencies of the
17 United Nations;

18 (viii) Gavi, the Vaccine Alliance;

19 (ix) the Coalition for Epidemic Pre-
20 paredness Innovations;

21 (x) the Global Polio Eradication Ini-
22 tiative; and

23 (xi) the United States Coordinator for
24 Global Health Security and Diplomacy es-
25 tablished under subsection (b).

1 (2) PRIORITY.—In providing assistance under
2 this section, the Fund should give priority to low-
3 and lower-middle income countries with—

4 (A) low scores on the Global Health Secu-
5 rity Index classification of health systems;

6 (B) measurable gaps in global health secu-
7 rity and pandemic preparedness identified
8 under Joint External Evaluations and national
9 action plans for health security;

10 (C) demonstrated political and financial
11 commitment to pandemic preparedness; and

12 (D) demonstrated commitment to uphold-
13 ing global health budget and data transparency
14 and accountability standards, complying with
15 the International Health Regulations (2005),
16 investing in domestic health systems, and
17 achieving measurable results.

18 (3) ELIGIBLE GRANT RECIPIENTS.—Govern-
19 ments and nongovernmental organizations should be
20 eligible to receive grants as described in this section.

21 (f) FUND ADMINISTRATION.—

22 (1) APPOINTMENT OF AN ADMINISTRATOR.—
23 The Executive Board of the Fund should appoint an
24 Administrator who should be responsible for man-
25 aging the day-to-day operations of the Fund.

1 (2) AUTHORITY TO SOLICIT AND ACCEPT CON-
2 TRIBUTIONS.—The Fund should be authorized to so-
3 licit and accept contributions from governments, the
4 private sector, foundations, individuals, and non-
5 governmental entities of all kinds.

6 (3) ACCOUNTABILITY OF FUNDS AND CRITERIA
7 FOR PROGRAMS.—As part of the negotiations de-
8 scribed in subsection (d)(1), the Secretary of the
9 State, shall, consistent with paragraph (4)—

10 (A) take such actions as are necessary to
11 ensure that the Fund will have in effect ade-
12 quate procedures and standards to account for
13 and monitor the use of funds contributed to the
14 Fund, including the cost of administering the
15 Fund; and

16 (B) seek agreement on the criteria that
17 should be used to determine the programs and
18 activities that should be assisted by the Fund.

19 (4) SELECTION OF PARTNER COUNTRIES,
20 PROJECTS, AND RECIPIENTS.—The Executive Board
21 should establish—

22 (A) eligible partner country selection cri-
23 teria, to include transparent metrics to measure
24 and assess global health security and pandemic

1 preparedness strengths and vulnerabilities in
2 countries seeking assistance;

3 (B) minimum standards for ensuring eligi-
4 ble partner country ownership and commitment
5 to long-term results, including requirements for
6 domestic budgeting, resource mobilization, and
7 co-investment;

8 (C) criteria for the selection of projects to
9 receive support from the Fund;

10 (D) standards and criteria regarding quali-
11 fications of recipients of such support;

12 (E) such rules and procedures as may be
13 necessary for cost-effective management of the
14 Fund; and

15 (F) such rules and procedures as may be
16 necessary to ensure transparency and account-
17 ability in the grant-making process.

18 (5) ADDITIONAL TRANSPARENCY AND AC-
19 COUNTABILITY REQUIREMENTS.—

20 (A) INSPECTOR GENERAL.—

21 (i) IN GENERAL.—The Secretary of
22 State shall seek to ensure that the Fund
23 maintains an independent Office of the In-
24 spector General and ensure that the office
25 has the requisite resources and capacity to

1 regularly conduct and publish, on a pub-
2 licly accessible website, rigorous financial,
3 programmatic, and reporting audits and
4 investigations of the Fund and its grant-
5 ees.

6 (ii) SENSE OF CONGRESS ON CORRUP-
7 TION.—It is the sense of Congress that—

8 (I) corruption within global
9 health programs contribute directly to
10 the loss of human life and cannot be
11 tolerated; and

12 (II) in making financial recov-
13 eries relating to a corrupt act or
14 criminal conduct under a grant, as de-
15 termined by the Inspector General,
16 the responsible grant recipient should
17 be assessed at a recovery rate of up to
18 150 percent of such loss.

19 (B) ADMINISTRATIVE EXPENSES.—The
20 Secretary of State shall seek to ensure the
21 Fund establishes, maintains, and makes pub-
22 licly available a system to track the administra-
23 tive and management costs of the Fund on a
24 quarterly basis.

1 (C) FINANCIAL TRACKING SYSTEMS.—The
2 Secretary of State shall ensure that the Fund
3 establishes, maintains, and makes publicly
4 available a system to track the amount of funds
5 disbursed to each grant recipient and sub-re-
6 cipient during a grant’s fiscal cycle.

7 (g) FUND ADVISORY BOARD.—

8 (1) IN GENERAL.—There should be an Advisory
9 Board to the Fund.

10 (2) APPOINTMENTS.—The members of the Ad-
11 visory Board should be composed of—

12 (A) individuals with experience and leader-
13 ship in the fields of development, global health,
14 epidemiology, medicine, biomedical research,
15 and social sciences; and

16 (B) representatives of relevant United Na-
17 tions agencies, including the World Health Or-
18 ganization, and nongovernmental organizations
19 with on-the-ground experience in implementing
20 global health programs in low and lower-middle
21 income countries.

22 (3) RESPONSIBILITIES.—The Advisory Board
23 should provide advice and guidance to the Executive
24 Board of the Fund on the development and imple-
25 mentation of programs and projects to be assisted

1 by the Fund and on leveraging donations to the
2 Fund.

3 (4) PROHIBITION ON PAYMENT OF COMPENSA-
4 TION.—

5 (A) IN GENERAL.—Except for travel ex-
6 penses (including per diem in lieu of subsist-
7 ence), no member of the Advisory Board should
8 receive compensation for services performed as
9 a member of the Board.

10 (B) UNITED STATES REPRESENTATIVE.—
11 Notwithstanding any other provision of law (in-
12 cluding an international agreement), a rep-
13 resentative of the United States on the Advi-
14 sory Board may not accept compensation for
15 services performed as a member of the Board,
16 except that such representative may accept
17 travel expenses, including per diem in lieu of
18 subsistence, while away from the representa-
19 tive's home or regular place of business in the
20 performance of services for the Board.

21 (5) CONFLICTS OF INTEREST.—Members of the
22 Advisory Board should be required to disclose any
23 potential conflicts of interest prior to serving on the
24 Advisory Board.

25 (h) REPORTS TO CONGRESS ON THE FUND.—

1 (1) STATUS REPORT.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary of State, in coordination with the Adminis-
4 trator of the United States Agency for International
5 Development, and the heads of other relevant Fed-
6 eral departments and agencies, shall submit to the
7 appropriate congressional committees a report de-
8 tailing the progress of international negotiations to
9 establish the Fund.

10 (2) ANNUAL REPORT.—

11 (A) IN GENERAL.—Not later than 1 year
12 after the date of the establishment of the Fund,
13 and annually thereafter for the duration of the
14 Fund, the Secretary of State, shall submit to
15 the appropriate congressional committees a re-
16 port on the Fund.

17 (B) REPORT ELEMENTS.—The report shall
18 include a description of—

- 19 (i) the goals of the Fund;
20 (ii) the programs, projects, and activi-
21 ties supported by the Fund;
22 (iii) private and governmental con-
23 tributions to the Fund; and

1 (iv) the criteria utilized to determine
2 the programs and activities that should be
3 assisted by the Fund.

4 (3) GAO REPORT ON EFFECTIVENESS.—Not
5 later than 2 years after the date that the Fund
6 comes into effect, the Comptroller General of the
7 United States shall submit to the appropriate con-
8 gressional committees a report evaluating the effec-
9 tiveness of the Fund, including—

10 (A) the effectiveness of the programs,
11 projects, and activities supported by the Fund;
12 and

13 (B) an assessment of the merits of contin-
14 ued United States participation in the Fund.

15 (i) UNITED STATES CONTRIBUTIONS.—

16 (1) IN GENERAL.—Subject to submission of the
17 certification under this section, the President is au-
18 thorized to make available for United States con-
19 tributions to the Fund such funds as may be author-
20 ized to be made available for such purpose.

21 (2) NOTIFICATION.—The Secretary of State
22 shall notify the appropriate congressional committees
23 not later than 15 days in advance of making a con-
24 tribution to the Fund, including—

1 (A) the amount of the proposed contribu-
2 tion;

3 (B) the total of funds contributed by other
4 donors; and

5 (C) the national interests served by United
6 States participation in the Fund.

7 (3) LIMITATION.—At no point during the 5
8 years after the date of the enactment of this Act
9 shall a United States contribution to the Fund cause
10 the cumulative total of United States contributions
11 to the Fund to exceed 33 percent of the total con-
12 tributions to the Fund from all sources.

13 (4) WITHHOLDINGS.—

14 (A) SUPPORT FOR ACTS OF INTER-
15 NATIONAL TERRORISM.—If at any time the Sec-
16 retary of State determines that the Fund has
17 provided assistance to a country, the govern-
18 ment of which the Secretary of State has deter-
19 mined, for purposes of section 620A of the For-
20 eign Assistance Act of 1961 (22 U.S.C. 2371)
21 has repeatedly provided support for acts of
22 international terrorism, the United States shall
23 withhold from its contribution to the Fund for
24 the next fiscal year an amount equal to the

1 amount expended by the Fund to the govern-
2 ment of such country.

3 (B) EXCESSIVE SALARIES.—If at any time
4 during the five years after enactment of this
5 Act, the Secretary of State determines that the
6 salary of any individual employed by the Fund
7 exceeds the salary of the Vice President of the
8 United States for that fiscal year, then the
9 United States should withhold from its con-
10 tribution for the next fiscal year an amount
11 equal to the aggregate amount by which the sal-
12 ary of each such individual exceeds the salary
13 of the Vice President of the United States.

14 (C) ACCOUNTABILITY CERTIFICATION RE-
15 QUIREMENT.—The Secretary of State may
16 withhold not more than 20 percent of planned
17 United States contributions to the Fund until
18 the Secretary certifies to the appropriate con-
19 gressional committees that the Fund has estab-
20 lished procedures to provide access by the Of-
21 fice of Inspector General of the Department of
22 State, as cognizant Inspector General, the In-
23 spector General of the Department of Health
24 and Human Services, the Inspector General of
25 the United States Agency for International De-

1 velopment, and the Comptroller General of the
2 United States to the Fund’s financial data and
3 other information relevant to United States
4 contributions to the Fund (as determined by
5 the Inspector General of the Department of
6 State, in consultation with the Secretary of
7 State).

8 (j) COMPLIANCE WITH THE FOREIGN AID TRANS-
9 PARENCY AND ACCOUNTABILITY ACT OF 2016.—Section
10 2(3) of the Foreign Aid Transparency and Accountability
11 Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note)
12 is amended—

13 (1) in subparagraph (C), by striking “and” at
14 the end;

15 (2) in subparagraph (D), by striking the period
16 at the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(E) section [_____] of the National De-
19 fense Authorization Act for Fiscal Year 2022.”.

20 (k) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional Com-
23 mittees” means—

1 (A) the Committee on Foreign Affairs and
2 the Committee on Appropriations of the House
3 of Representatives; and

4 (B) the Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate.

7 (2) GLOBAL HEALTH SECURITY.—The term
8 “global health security” means activities supporting
9 epidemic and pandemic preparedness and capabili-
10 ties at the country and global levels in order to mini-
11 mize vulnerability to acute public health events that
12 can endanger the health of populations across geo-
13 graphical regions and international boundaries.

14 (l) SUNSET.—This section, and the amendments
15 made by this section, shall cease to have force or effect
16 on the date that is 5 years after the date of the enactment
17 of this Act.

18 **SEC. 6439. CODIFICATION OF THE FEDRAMP PROGRAM.**

19 (a) AMENDMENT.—Chapter 36 of title 44, United
20 States Code, is amended by adding at the end the fol-
21 lowing new sections:

22 **“§ 3607. Federal risk and authorization management**
23 **program**

24 “There is established within the General Services Ad-
25 ministration the Federal Risk and Authorization Manage-

1 ment Program (FedRAMP). The Administrator of Gen-
2 eral Services, subject to section 3612, shall establish a
3 governmentwide program that provides a standardized, re-
4 usable approach to security assessment and authorization
5 for cloud computing products and services that process
6 unclassified information used by agencies.

7 **“§ 3608. Roles and responsibilities of the general**
8 **services administration**

9 “(a) ROLES AND RESPONSIBILITIES.—The Adminis-
10 trator of General Services shall—

11 “(1) develop, coordinate, and implement a proc-
12 ess to support agency review, reuse, and standard-
13 ization, where appropriate, of security assessments
14 of cloud computing products and services, including
15 appropriate oversight of continuous monitoring of
16 cloud computing products and services, pursuant to
17 guidance issued by the Director pursuant to section
18 3612;

19 “(2) establish processes and identify criteria,
20 consistent with guidance issued by the Director in
21 section 3612, which would make a cloud computing
22 product or service eligible for a FedRAMP author-
23 ization and validate whether a cloud computing
24 product or service has a FedRAMP authorization;

1 “(3) develop and publish templates, best prac-
2 tices, technical assistance, and other materials to
3 support the authorization of cloud computing prod-
4 ucts and services and increase the speed, effective-
5 ness, and transparency of the authorization process,
6 consistent with standards defined by the National
7 Institute of Standards and Technology and relevant
8 statutes;

9 “(4) grant FedRAMP authorizations to cloud
10 computing products and services, consistent with the
11 guidance and direction of the FedRAMP board es-
12 tablished in section 3609;

13 “(5) establish and maintain a public comment
14 process for proposed guidance and other program di-
15 rectives that may have a direct impact on cloud serv-
16 ice providers and agencies before the issuance of
17 such guidance or other programmatic directives;

18 “(6) coordinate with the FedRAMP board, the
19 Director of the Cybersecurity and Infrastructure Se-
20 curity Agency, and other entities identified by the
21 Administrator, with the concurrence of the Director,
22 to establish and regularly update a framework for
23 continuous monitoring under section 3553;

24 “(7) provide a secure mechanism for storing
25 and sharing necessary data, including FedRAMP

1 authorization packages, to enable better reuse of
2 such packages across agencies, including making
3 available any information and data necessary for
4 agencies to fulfill the requirements of subsection
5 3611;

6 “(8) provide regular updates to applicant cloud
7 service providers on the status of any cloud com-
8 puting product or service during an assessment
9 process;

10 “(9) regularly review, in consultation with the
11 FedRAMP Board, the costs associated with the
12 independent assessment services of third-party orga-
13 nizations referenced in section 3610;

14 “(10) support the Federal Secure Cloud Advi-
15 sory Committee, established pursuant to subsection
16 3615; and

17 “(11) such other actions as the Administrator
18 may determine necessary to improve the program.

19 “(b) WEBSITE.—

20 “(1) IN GENERAL.—The Administrator shall
21 maintain a public website to serve as the authori-
22 tative repository for the program, including the
23 timely publication and updates for all relevant infor-
24 mation, guidance, determinations, and other mate-
25 rials required under subsection (a).

1 “(2) CRITERIA AND PROCESS FOR FEDRAMP
2 AUTHORIZATION PRIORITIES.—The Administrator
3 shall develop and make publicly available on the
4 website described in paragraph (1) the criteria and
5 process for prioritizing and selecting cloud com-
6 puting products and services that will receive a
7 FedRAMP authorization, in consultation with the
8 FedRAMP Board and the Chief Information Offi-
9 cers Council established in section 3603.

10 “(c) EVALUATION OF AUTOMATION PROCEDURES.—

11 “(1) IN GENERAL.—The Administrator shall as-
12 sess and evaluate available automation capabilities
13 and procedures to improve the efficiency and effec-
14 tiveness of the issuance of FedRAMP authorizations,
15 including continuous monitoring of cloud computing
16 products and services.

17 “(2) MEANS FOR AUTOMATION.—Not later than
18 1 year after the date of the enactment of this sec-
19 tion, and updated regularly thereafter, the Adminis-
20 trator shall establish a means for the automation of
21 security assessments and reviews.

22 “(d) METRICS FOR AUTHORIZATION.—The Adminis-
23 trator shall establish annual metrics regarding the time
24 and quality of the assessments necessary for completion
25 of a FedRAMP authorization process in a manner that

1 can be consistently tracked over time in conjunction with
2 the periodic testing and evaluation process pursuant to
3 section 3554 in a manner that minimizes the agency re-
4 porting burden.

5 **“§ 3609. FedRAMP board**

6 “(a) ESTABLISHMENT.—There is established a
7 FedRAMP board to provide input and recommendations
8 to the Administrator regarding the requirements and
9 guidelines for security assessments of cloud computing
10 products and services developed under subsection (d) of
11 this section.

12 “(b) MEMBERSHIP.—The board shall consist of not
13 more than seven senior officials or experts from agencies
14 , appointed by the Director, in consultation with the Ad-
15 ministrator, from each of the following:

16 “(1) The Department of Defense.

17 “(2) The Department of Homeland Security.

18 “(3) The General Services Administration.

19 “(4) Such other agencies as determined by the
20 Director, in consultation with the Administrator.

21 “(c) QUALIFICATIONS.—Members of the FedRAMP
22 board appointed under subsection (b) shall have technical
23 expertise in domains relevant to the program, such as—

24 “(1) cloud computing;

25 “(2) cybersecurity;

1 “(3) privacy;

2 “(4) risk management; and

3 “(5) other competencies identified by the Direc-
4 tor to support the secure authorization of cloud serv-
5 ices and products.

6 “(d) DUTIES.—The FedRAMP board shall—

7 “(1) in consultation with the Administrator,
8 serve as a resource for best practices to accelerate
9 the process for obtaining a FedRAMP authorization;

10 “(2) review and approve requirements and
11 guidelines for security authorizations of cloud com-
12 puting products and services, consistent with stand-
13 ards defined by the National Institute of Standards
14 and Technology, to be used in the determination of
15 FedRAMP authorizations;

16 “(3) monitor and oversee, to the greatest extent
17 practicable, the processes and procedures by which
18 agencies determine and validate requirements for a
19 FedRAMP authorization, including periodic review
20 of the agency determinations described in section
21 3611(b), and ensure consistency and transparency
22 between agencies and cloud service providers in a
23 manner that minimizes confusion and engenders
24 trust; and

1 “(4) perform such other roles and responsibil-
2 ities as the Director may assign, with concurrence
3 from the Administrator.

4 “(e) DETERMINATIONS OF DEMAND FOR CLOUD
5 COMPUTING PRODUCTS AND SERVICES.—The FedRAMP
6 Board may consult with the Chief Information Officers
7 Council established in section 3603 to establish a process,
8 that may be made available the website referenced in sec-
9 tion 3608, for prioritizing and accepting the cloud com-
10 puting products and services to be granted a FedRAMP
11 authorization.

12 **“§ 3610. Independent assessment organizations**

13 “(a) REQUIREMENTS FOR ACCREDITATION.—The
14 Administrator may, consistent with guidance issued by the
15 Director, determine the requirements for accreditation of
16 a third-party organization to perform independent assess-
17 ments and other activities that will improve the overall
18 performance of the program and reduce the cost of
19 FedRAMP authorizations for cloud service providers.
20 Such requirements may include developing or requiring
21 certification programs for individuals employed by the
22 third-party organization seeking accreditation.

23 “(b) CERTIFICATION.—The Administrator or their
24 designee may accredit any third-party organization that
25 meets the requirements for accreditation. If accredited

1 pursuant to the requirements defined pursuant to sub-
2 section (a), a certified independent assessment organiza-
3 tion may assess, validate, and attest to the quality and
4 compliance of security assessment materials provided by
5 cloud service providers.

6 **“§ 3611. Roles and responsibilities of agencies**

7 “(a) IN GENERAL.—In implementing the require-
8 ments of the program, the head of each agency shall, con-
9 sistent with guidance issued by the Director pursuant to
10 section 3612—

11 “(1) promote the use of cloud computing prod-
12 ucts and services which meet FedRAMP security re-
13 quirements and other risk-based performance re-
14 quirements as defined by the Director;

15 “(2) confirm whether there is a FedRAMP au-
16 thorization in the secure mechanism established
17 under section 3608(b)(10) before beginning the
18 process to grant a FedRAMP authorization for a
19 cloud computing product or service;

20 “(3) to the extent practicable, for any cloud
21 computing product or service the agency seeks to au-
22 thorize that has received a FedRAMP authorization,
23 use the existing assessments of security controls and
24 materials within the FedRAMP authorization pack-
25 age; and

1 “(4) provide data and information required to
2 the Director pursuant to section 3612 to determine
3 how agencies are meeting metrics as defined by the
4 Administrator.

5 “(b) ATTESTATION.—To the extent an agency deter-
6 mines that the information and data they have reviewed
7 pursuant to subsection (a)(2) is wholly or substantially de-
8 ficient for the purposes of performing an authorization of
9 cloud computing products or services, the head of the
10 agency shall document as part of the resulting FedRAMP
11 authorization package the reasons for this determination
12 upon completion of any assessment or authorization activi-
13 ties for that particular cloud computing product or service.

14 “(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE
15 REQUIRED.—Upon issuance of an agency authorization to
16 operate based on a FedRAMP authorization, the head of
17 the agency shall provide a copy of its authorization to op-
18 erate letter and any supplementary information required
19 pursuant to section 3608(a) to the Administrator.

20 “(d) SUBMISSION OF POLICIES REQUIRED.—Not
21 later than 6 months after the date on which the Director
22 issues guidance in accordance with section 3612, the head
23 of each agency, acting through the agency Chief Informa-
24 tion Officer, shall submit to the Director all agency poli-

1 cies created related to the authorization of cloud com-
2 puting products and services.

3 “(e) PRESUMPTION OF ADEQUACY.—

4 “(1) IN GENERAL.—The assessment of security
5 controls and materials within the authorization
6 package for a FedRAMP authorization shall be pre-
7 sumed adequate for use in an agency authorization
8 to operate cloud computing products and services.

9 “(2) INFORMATION SECURITY REQUIRE-
10 MENTS.—The presumption under paragraph (1)
11 does not modify or alter the responsibility of any
12 agency to ensure compliance with subchapter II of
13 chapter 35 for any cloud computing products or
14 services used by the agency.

15 **“§ 3612. Roles and responsibilities of the office of**
16 **management and budget**

17 “(a) ROLES AND RESPONSIBILITIES.—The Director
18 shall:

19 “(1) Issue guidance to specify the categories or
20 characteristics of cloud computing products and
21 services, in consultation with the Administrator, for
22 which agencies must obtain or use a FedRAMP au-
23 thorization before operating such a product or serv-
24 ice as a Federal information system. Such guidance
25 shall encompass, to the greatest extent practicable,

1 all necessary and appropriate cloud computing prod-
2 ucts and services.

3 “(2) Issue guidance describing additional re-
4 sponsibilities of the FedRAMP program and board
5 to accelerate the adoption of secure cloud computing
6 services in the Federal Government.

7 “(3) Oversee the effectiveness of the FedRAMP
8 program and board, including compliance by the
9 FedRAMP board with its duties as described in sec-
10 tion 3609.

11 “(4) To the greatest extent practicable, encour-
12 age and promote consistency of guidance on the
13 adoption, security, and use of cloud computing prod-
14 ucts and services used within agencies.

15 **“§ 3613. Authorization of appropriations for**
16 **FedRAMP**

17 “There is authorized to be appropriated \$20,000,000
18 each year for the FedRAMP Program and Board.

19 **“§ 3614. Reports to congress; GAO report**

20 “(a) REPORTS TO CONGRESS.—Not later than 12
21 months after the date of the enactment of this section,
22 and annually thereafter, the Director shall submit to the
23 Committee on Oversight and Reform of the House of Rep-
24 resentatives and the Committee on Homeland Security

1 and Governmental Affairs of the Senate a report that in-
2 cludes the following:

3 “(1) The status, efficiency, and effectiveness of
4 the General Services Administration, pursuant to
5 section 3608, and agencies, pursuant to section
6 3611, during the preceding year in supporting the
7 speed, effectiveness, sharing, reuse, and security of
8 authorizations to operate for cloud computing prod-
9 ucts and services.

10 “(2) Progress towards meeting the metrics re-
11 quired pursuant to section 3608(d).

12 “(3) Data on FedRAMP authorizations.

13 “(4) The average length of time to issue
14 FedRAMP authorizations.

15 “(5) The number of FedRAMP authorizations
16 submitted, issued, and denied for the previous year.

17 “(6) A review of progress made during the pre-
18 ceding year in advancing automation techniques to
19 securely automate FedRAMP processes and to accel-
20 erate reporting as described in this section.

21 “(7) The number and characteristics of author-
22 ized cloud computing products and services in use at
23 each agency consistent with guidance provided by
24 the Director in section 3612.

1 “(b) GAO REPORT.—Not later than 6 months after
2 the date of the enactment of this section, the Comptroller
3 General of the United States shall publish a report that
4 includes an assessment of the cost incurred by agencies
5 and cloud service providers related to the issuance of
6 FedRAMP authorizations.

7 **“§ 3615. Federal secure cloud advisory committee**

8 “(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

9 “(1) ESTABLISHMENT.—There is established a
10 Federal Secure Cloud Advisory Committee (referred
11 to in this section as the ‘Committee’) to ensure ef-
12 fective and ongoing coordination of agency adoption,
13 use, authorization, monitoring, acquisition, and secu-
14 rity of cloud computing products and services to en-
15 able agency mission and administrative priorities.

16 “(2) PURPOSES.—The purposes of the Com-
17 mittee are the following:

18 “(A) To examine the operations of
19 FedRAMP and determine ways that authoriza-
20 tion processes can continuously be improved, in-
21 cluding the following:

22 “(i) Measures to increase agency re-
23 use of FedRAMP authorizations.

24 “(ii) Proposed actions that can be
25 adopted to reduce the burden, confusion,

1 and cost associated with FedRAMP au-
2 thORIZATIONS for cloud service providers.

3 “(iii) Measures to increase the num-
4 ber of FedRAMP authorizations for cloud
5 computing services offered by small busi-
6 nesses (as defined by section 3(a) of the
7 Small Business Act (15 U.S.C. 632(a)).

8 “(iv) Proposed actions that can be
9 adopted to reduce the burden and cost of
10 FedRAMP authorizations for agencies.

11 “(B) Collect information and feedback on
12 agency compliance with and implementation of
13 FedRAMP requirements.

14 “(C) Serve as a forum that facilitates com-
15 munication and collaboration among the
16 FedRAMP stakeholder community.

17 “(3) DUTIES.—The duties of the Committee
18 are, at a minimum, to provide advice and rec-
19 ommendations to the Administrator, the FedRAMP
20 Board, and to agencies on technical, financial, pro-
21 grammatic, and operational matters regarding se-
22 cure adoption of cloud computing products and serv-
23 ices.

24 “(b) MEMBERS.—

1 “(1) COMPOSITION.—The Committee shall be
2 comprised of not more than 15 members who are
3 qualified representatives from the public and private
4 sectors, appointed by the Administrator, in consulta-
5 tion with the Director, as follows:

6 “(A) The Administrator or the Administra-
7 tor’s designee, who shall be the Chair of the
8 Committee.

9 “(B) At least one representative each from
10 the Cybersecurity and Infrastructure Security
11 Agency and the National Institute of Standards
12 and Technology.

13 “(C) At least two officials who serve as the
14 Chief Information Security Officer within an
15 agency, who shall be required to maintain such
16 a position throughout the duration of their serv-
17 ice on the Committee.

18 “(D) At least one official serving as Chief
19 Procurement Officer (or equivalent) in an agen-
20 cy, who shall be required to maintain such a po-
21 sition throughout the duration of their service
22 on the Committee.

23 “(E) At least one individual representing
24 an independent assessment organization.

1 “(F) No fewer than five representatives
2 from unique businesses that primarily provide
3 cloud computing services or products, including
4 at least two representatives from a small busi-
5 ness (as defined by section 3(a) of the Small
6 Business Act (15 U.S.C. 632(a))).

7 “(G) At least two other Government rep-
8 resentatives as the Administrator determines to
9 be necessary to provide sufficient balance, in-
10 sights, or expertise to the Committee.

11 “(2) DEADLINE FOR APPOINTMENT.—Each
12 member of the Committee shall be appointed not
13 later than 90 days after the date of the enactment
14 of this section.

15 “(3) PERIOD OF APPOINTMENT; VACANCIES.—

16 “(A) IN GENERAL.—Each non-Federal
17 member of the Committee shall be appointed
18 for a term of 3 years, except that the initial
19 terms for members may be staggered 1-, 2-, or
20 3-year terms to establish a rotation in which
21 one-third of the members are selected each
22 year. Any such member may be appointed for
23 not more than 2 consecutive terms.

24 “(B) VACANCIES.—Any vacancy in the
25 Committee shall not affect its powers, but shall

1 be filled in the same manner in which the origi-
2 nal appointment was made. Any member ap-
3 pointed to fill a vacancy occurring before the
4 expiration of the term for which the member's
5 predecessor was appointed shall be appointed
6 only for the remainder of that term. A member
7 may serve after the expiration of that member's
8 term until a successor has taken office.

9 “(c) MEETINGS AND RULES OF PROCEDURES.—

10 “(1) MEETINGS.—The Committee shall hold
11 not fewer than three meetings in a calendar year, at
12 such time and place as determined by the Chair.

13 “(2) INITIAL MEETING.—Not later than 120
14 days after the date of the enactment of this section,
15 the Committee shall meet and begin the operations
16 of the Committee.

17 “(3) RULES OF PROCEDURE.—The Committee
18 may establish rules for the conduct of the business
19 of the Committee, if such rules are not inconsistent
20 with this section or other applicable law.

21 “(d) EMPLOYEE STATUS.—

22 “(1) IN GENERAL.—A member of the Com-
23 mittee (other than a member who is appointed to the
24 Committee in connection with another Federal ap-
25 pointment) shall not be considered an employee of

1 the Federal Government by reason of any service as
2 such a member, except for the purposes of section
3 5703 of title 5, relating to travel expenses.

4 “(2) PAY NOT PERMITTED.—A member of the
5 Committee covered by paragraph (1) may not receive
6 pay by reason of service on the Committee.

7 “(e) APPLICABILITY TO THE FEDERAL ADVISORY
8 COMMITTEE ACT.—Section 14 of the Federal Advisory
9 Committee Act (5 U.S.C. App.) shall not apply to the
10 Committee.

11 “(f) DETAIL OF EMPLOYEES.—Any Federal Govern-
12 ment employee may be detailed to the Committee without
13 reimbursement from the Committee, and such detailee
14 shall retain the rights, status, and privileges of his or her
15 regular employment without interruption.

16 “(g) POSTAL SERVICES.—The Committee may use
17 the United States mails in the same manner and under
18 the same conditions as agencies.

19 “(h) REPORTS.—

20 “(1) INTERIM REPORTS.—The Committee may
21 submit to the Administrator and Congress interim
22 reports containing such findings, conclusions, and
23 recommendations as have been agreed to by the
24 Committee.

1 “(2) ANNUAL REPORTS.—Not later than 18
2 months after the date of the enactment of this sec-
3 tion, and annually thereafter, the Committee shall
4 submit to the Administrator and Congress a final re-
5 port containing such findings, conclusions, and rec-
6 ommendations as have been agreed to by the Com-
7 mittee.

8 **“§ 3616. Definitions**

9 “(a) IN GENERAL.—Except as provided under sub-
10 section (b), the definitions under sections 3502 and 3552
11 apply to sections 3607 through this section.

12 “(b) ADDITIONAL DEFINITIONS.—In sections 3607
13 through this section:

14 “(1) ADMINISTRATOR.—The term ‘Adminis-
15 trator’ means the Administrator of General Services.

16 “(2) CLOUD COMPUTING.—The term ‘cloud
17 computing’ shall have the meaning given by the Na-
18 tional Institutes of Standards and Technology Spe-
19 cial Publication 800–145.

20 “(3) CLOUD SERVICE PROVIDER.—The term
21 ‘cloud service provider’ means an entity offering
22 cloud computing products or services to agencies.

23 “(4) DIRECTOR.—The term ‘Director’ means
24 the Director of the Office of Management and Budg-
25 et.

1 “(5) FEDRAMP.—The term ‘FedRAMP’ means
2 the Federal Risk and Authorization Management
3 Program established under section 3607(a).

4 “(6) FEDRAMP AUTHORIZATION.—The term
5 ‘FedRAMP authorization’ means a certification that
6 a cloud computing product or service has completed
7 a FedRAMP authorization process, as determined by
8 the Administrator or received a FedRAMP provi-
9 sional authorization to operate as determined by the
10 FedRAMP Board.

11 “(7) FEDRAMP AUTHORIZATION PACKAGE.—
12 The term ‘FedRAMP authorization package’ means
13 the essential information that can be used by an
14 agency to determine whether to authorize the oper-
15 ation of an information system or the use of a des-
16 ignated set of common controls for all cloud com-
17 puting products and services authorized by the
18 FedRAMP program.

19 “(8) INDEPENDENT ASSESSMENT ORGANIZA-
20 TION.—The term ‘independent assessment organiza-
21 tion’ means a third-party organization accredited by
22 the Administrator to undertake conformity assess-
23 ments of cloud service providers and their products
24 or services.

1 “(9) FEDRAMP BOARD.—The term ‘FedRAMP
2 board’ means the board established under section
3 3609.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The table of sections for chapter 36 of title 44, United
6 States Code, is amended by adding at the end the fol-
7 lowing new items:

 “3607. Federal Risk and Authorization Management Program
 “3608. Roles and Responsibilities of the General Services Administration
 “3609. FedRAMP board
 “3610. Independent assessment organizations
 “3611. Roles and responsibilities of agencies
 “3612. Roles and responsibilities of the Office of Management and Budget
 “3613. Authorization of appropriations for FedRAMP
 “3614. Reports to Congress
 “3615. Federal Secure Cloud Advisory Committee
 “3616. Definitions”.

8 (c) SUNSET.—This section and any amendment made
9 by this section shall be repealed on the date that is 10
10 years after the date of the enactment of this section.

11 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion or any amendment made by this section shall be con-
13 strued as altering or impairing the authorities of the Di-
14 rector of the Office of Management and Budget or the
15 Secretary of Homeland Security under subchapter II of
16 chapter 35 of title 44, United States Code.

1 **SEC. 6440. ANNUAL REPORT ON VETERAN ACCESS TO GEN-**
2 **DER SPECIFIC SERVICES UNDER DEPART-**
3 **MENT OF VETERANS AFFAIRS COMMUNITY**
4 **CARE CONTRACTS.**

5 (a) IN GENERAL.—Subchapter III of chapter 17 of
6 title 38, United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 1730D. Annual report on veteran access to gender**
9 **specific services under community care**
10 **contracts**

11 “(a) IN GENERAL.—The Secretary shall submit to
12 the Committees on Veterans’ Affairs of the Senate and
13 the House of Representatives an annual report on the ac-
14 cess of women veterans to gender specific services under
15 contracts, agreements, or other arrangements with non-
16 Department medical providers entered into by the Sec-
17 retary for the provision of hospital care or medical services
18 to veterans. Such report shall include data and perform-
19 ance measures for the availability of gender specific serv-
20 ices, including—

21 “(1) the average wait time between the vet-
22 eran’s preferred appointment date and the date on
23 which the appointment is completed;

24 “(2) the average driving time required for vet-
25 erans to attend appointments; and

1 “(3) reasons why appointments could not be
2 scheduled with non-Department medical providers.

3 “(b) GENDER SPECIFIC SERVICES.—In this section,
4 the term ‘gender specific services’ means mammography,
5 obstetric care, gynecological care, and such other services
6 as the Secretary determines appropriate.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating to section 1730C the following new
10 item:

 “1730D. Annual report on veteran access to gender specific services under com-
 munity care contracts.”.

11 **SEC. 6441. ESTABLISHMENT OF ENVIRONMENT OF CARE**
12 **STANDARDS AND INSPECTIONS AT DEPART-**
13 **MENT OF VETERANS AFFAIRS MEDICAL CEN-**
14 **TERS.**

15 (a) IN GENERAL.—The Secretary of Veterans Affairs
16 shall establish a policy under which—

17 (1) the environment of care standards and in-
18 spections at Department of Veterans Affairs medical
19 centers include—

20 (A) an alignment of the requirements for
21 such standards and inspections with the wom-
22 en’s health handbook of the Veterans Health
23 Administration;

1 (B) a requirement for the frequency of
2 such inspections;

3 (C) delineation of the roles and responsibil-
4 ities of staff at the medical center who are re-
5 sponsible for compliance; and

6 (D) the requirement that each medical cen-
7 ter submit to the Secretary a report on the
8 compliance of the medical center with the
9 standards; and

10 (2) for the purposes of the End of Year Hos-
11 pital Star Rating, no medical center is eligible for a
12 five star rating as reported under the Strategic Ana-
13 lytics for Improvement and Learning Value Model
14 unless it meets the environment of care standards.

15 (b) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the Secretary shall submit
17 to the Committees on Veterans' Affairs of the Senate and
18 House of Representatives certification in writing that the
19 policy required by subsection (a) has been finalized and
20 disseminated to Department all medical centers.

21 **SEC. 6442. NATIONAL GLOBAL WAR ON TERRORISM MEMO-**
22 **RIAL.**

23 (a) AUTHORIZATION.—Notwithstanding section
24 8908(c) of title 40, United States Code, the Global War
25 on Terrorism Memorial Foundation shall establish a Na-

1 tional Global War on Terrorism Memorial within the Re-
2 serve.

3 (b) LOCATION.—The Memorial may be located at one
4 of the following sites:

5 (1) Potential Site 1—Constitution Gardens,
6 Prime Candidate Site 10 in The Memorials and Mu-
7 seums Master Plan.

8 (2) Potential Site 2—JFK Hockey Fields,
9 Prime Candidate Site 18 in The Memorials and Mu-
10 seums Master Plan.

11 (3) Potential Site 3—West Potomac Park, Can-
12 didate Site 70 in The Memorials and Museums Mas-
13 ter Plan.

14 (c) COMMEMORATIVE WORKS ACT.—Except as other-
15 wise provided by subsections (a) and (b), chapter 89 of
16 title 40, United States Code (commonly known as the
17 “Commemorative Works Act”), shall apply to the Memo-
18 rial.

19 (d) DEFINITIONS.—In this section:

20 (1) MEMORIAL.—The term “Memorial” means
21 the National Global War on Terrorism Memorial au-
22 thorized under subsection (a).

23 (2) RESERVE.—The term “Reserve” has the
24 meaning given that term in 8902(a)(3) of title 40,
25 United States Code.

1 **SEC. 6443. AMENDMENTS TO ANNUAL COUNTRY REPORTS**
2 **ON HUMAN RIGHTS PRACTICES.**

3 The Foreign Assistance Act of 1961 is amended as
4 follows:

5 (1) In section 116 (22 U.S.C. 2151n), by add-
6 ing at the end the following:

7 “(h) STATUS OF EXCESSIVE SURVEILLANCE AND
8 USE OF ADVANCED TECHNOLOGY.—

9 “(1) IN GENERAL.—The report required by
10 subsection (d) shall include, wherever applicable, a
11 description of the status of surveillance and use of
12 advanced technology to impose arbitrary or unlawful
13 interference with privacy, or unlawful or unnecessary
14 restrictions on freedoms of expression, peaceful as-
15 sembly, association, or other internationally recog-
16 nized human rights in each country, including—

17 “(A) whether the government of such
18 country has adopted and is enforcing laws, reg-
19 ulations, policies, or practices relating to—

20 “(i) government surveillance or cen-
21 sorship, including through facial recogni-
22 tion, biometric data collection, internet and
23 social media controls, sensors, spyware
24 data analytics, non-cooperative location
25 tracking, recording devices, or other simi-
26 lar advanced technologies, and any allega-

1 tions or reports that this surveillance or
2 censorship was unreasonable;

3 “(ii) searches or seizures of individual
4 or private institution data without inde-
5 pendent judicial authorization or oversight;
6 and

7 “(iii) surveillance of any group based
8 on political views, religious beliefs, eth-
9 nicity, or other protected category, in viola-
10 tion of equal protection rights;

11 “(B) whether such country has imported
12 or unlawfully obtained biometric or facial rec-
13 ognition data from other countries or entities
14 and, if applicable, from whom; and

15 “(C) whether the government agency end-
16 user has targeted individuals, including through
17 the use of technology, in retaliation for the ex-
18 ercise of their human rights or on discrimina-
19 tory grounds prohibited by international law,
20 including targeting journalists or members of
21 minority groups.

22 “(2) DEFINITION.—In this subsection, the term
23 ‘internet and social media controls’ means the arbi-
24 trary or unlawful imposition of restrictions, by state
25 or service providers, on internet and digital informa-

1 tion and communication, such as through the block-
2 ing or filtering of websites, social media platforms,
3 and communication applications, the deletion of con-
4 tent and social media posts, or the penalization of
5 online speech, in a manner that violates rights to
6 free expression or assembly.”.

7 (2) In section 502B(b) (22 U.S.C. 2304(b))—

8 (A) by redesignating the second subsection

9 (i) (as added by section 1207(b)(2) of Public

10 Law 113–4) as subsection (j); and

11 (B) by adding at the end the following:

12 “(k) STATUS OF EXCESSIVE SURVEILLANCE AND

13 USE OF ADVANCED TECHNOLOGY.—The report required

14 under subsection (b) shall include, wherever applicable, a

15 description of the status of excessive surveillance and use

16 of advanced technology to restrict human rights, including

17 the descriptions of such policies or practices required

18 under section 116(h).”.

19 **SEC. 6444. NATIONAL SECURITY COMMISSION ON SYN-**

20 **THETIC BIOLOGY.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—There is established in the

23 executive branch a commission to review advances

24 and develop a consensus on a strategic approach to

25 advance American national security and competitive-

1 ness in synthetic biology, related bioengineering and
2 genetics developments, and associated technologies.

3 (2) DESIGNATION.—The commission estab-
4 lished under paragraph (1) shall be known as the
5 “National Security Commission on Synthetic Biol-
6 ogy” (referred to in this section as the “Commis-
7 sion”).

8 (b) MEMBERSHIP.—

9 (1) COMPOSITION.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), the Commission shall be composed
12 of the following members:

13 (i) The Deputy Secretary of Defense.

14 (ii) The Deputy Secretary of Com-
15 merce.

16 (iii) The Deputy Secretary of Health
17 and Human Services.

18 (iv) The Principal Deputy Director of
19 National Intelligence.

20 (v) Three members appointed by the
21 majority leader of the Senate, one of whom
22 shall be a member of the Senate and two
23 of whom shall not be.

24 (vi) Three members appointed by the
25 minority leader of the Senate, one of whom

1 shall be a member of the Senate and two
2 of whom shall not be.

3 (vii) Three members appointed by the
4 Speaker of the House of Representatives,
5 one of whom shall be a member of the
6 House of Representatives and two of whom
7 shall not be.

8 (viii) Three members appointed by the
9 minority leader of the House of Represent-
10 atives, one of whom shall be a member of
11 the House of Representatives and two of
12 whom shall not be.

13 (B) QUALIFICATIONS.—

14 (i) The members of the Commission
15 who are not members of Congress and who
16 are appointed under clauses (v) through
17 (viii) of subparagraph (A) shall be individ-
18 uals who are nationally recognized for ex-
19 pertise, knowledge, or experience in—

20 (I) synthetic biology or related
21 bioengineering;

22 (II) genetic developments;

23 (III) use of life sciences tech-
24 nologies by national policymakers and
25 military leaders; or

1 (IV) the implementation, fund-
2 ing, or oversight of the national secu-
3 rity policies of the United States.

4 (ii) An official who appoints members
5 of the Commission may not appoint an in-
6 dividual as a member of the Commission if
7 such individual possesses any personal or
8 financial interest in the discharge of any of
9 the duties of the Commission.

10 (iii) All members of the Commission
11 described in clause (i) shall possess an ap-
12 propriate security clearance in accordance
13 with applicable provisions of law con-
14 cerning the handling of classified informa-
15 tion.

16 (2) CO-CHAIRS.—

17 (A) IN GENERAL.—The Commission shall
18 have two co-chairs, selected from among the
19 members of the Commission.

20 (B) PARTY AFFILIATION.—One co-chair of
21 the Commission shall be a member of the
22 Democratic Party, and one co-chair shall be a
23 member of the Republican Party.

24 (C) SELECTION.—The individuals who
25 serve as the co-chairs of the Commission shall

1 be jointly agreed upon by the President, the
2 majority leader of the Senate, the minority
3 leader of the Senate, the Speaker of the House
4 of Representatives, and the minority leader of
5 the House of Representatives.

6 (c) APPOINTMENT; INITIAL MEETING, TERMS.—

7 (1) APPOINTMENT.—Members of the Commis-
8 sion shall be appointed not later than 45 days after
9 the date of the enactment of this Act.

10 (2) INITIAL MEETING.—The Commission shall
11 hold its initial meeting on or before the date that is
12 60 days after the date of the enactment of this Act.

13 (3) TERMS.—Members shall be appointed for
14 the life of the Commission.

15 (d) MEETINGS; QUORUM; VACANCIES.—

16 (1) IN GENERAL.—After its initial meeting, the
17 Commission shall meet upon the call of the co-chairs
18 of the Commission.

19 (2) QUORUM.—Seven members of the Commis-
20 sion shall constitute a quorum for purposes of con-
21 ducting business, except that two members of the
22 Commission shall constitute a quorum for purposes
23 of receiving testimony.

24 (3) VACANCIES.—Any vacancy in the Commis-
25 sion shall not affect its powers, but shall be filled in

1 the same manner in which the original appointment
2 was made.

3 (4) QUORUM WITH VACANCIES.—If vacancies in
4 the Commission occur on any day after 45 days
5 after the date of the enactment of this Act, a
6 quorum shall consist of a majority of the members
7 of the Commission as of such day.

8 (5) EFFECT OF LACK OF APPOINTMENT.—If
9 one or more appointments under subsection (b) is
10 not made by the appointment date specified in sub-
11 section (c), the authority to make such appointment
12 or appointments shall expire, and the number of
13 members of the Commission shall be reduced by the
14 number equal to the number of appointments so not
15 made.

16 (e) ACTIONS OF COMMISSION.—

17 (1) IN GENERAL.—The Commission shall act by
18 resolution agreed to by a majority of the members
19 of the Commission voting and present.

20 (2) PANELS.—The Commission may establish
21 panels composed of less than the full membership of
22 the Commission for purposes of carrying out the du-
23 ties of the Commission under this title. The actions
24 of any such panel shall be subject to the review and
25 control of the Commission. Any findings and deter-

1 minations made by such a panel shall not be consid-
2 ered the findings and determinations of the Commis-
3 sion unless approved by the Commission.

4 (3) DELEGATION.—Any member, agent, or staff
5 of the Commission may, if authorized by the co-
6 chairs of the Commission, take any action which the
7 Commission is authorized to take pursuant to this
8 title.

9 (f) DUTIES.—

10 (1) IN GENERAL.—The Commission shall carry
11 out the review described in paragraph (2). In car-
12 rying out such review, the Commission shall consider
13 the methods and means necessary to advance the de-
14 velopment of synthetic biology, bioengineering, and
15 associated technologies by the United States to com-
16 prehensively address the national security and de-
17 fense needs of the United States.

18 (2) SCOPE OF THE REVIEW.—In conducting the
19 review described in this subsection, the Commission
20 shall consider the following:

21 (A) The competitiveness of the United
22 States in synthetic biology, bioengineering, and
23 associated technologies, including matters re-
24 lated to national security, defense, public-pri-
25 vate partnerships, and investments.

1 (B) Means and methods for the United
2 States to maintain a technological advantage in
3 synthetic biology, bioengineering, and other as-
4 sociated technologies related to national secu-
5 rity and defense.

6 (C) Developments and trends in inter-
7 national cooperation and competitiveness, in-
8 cluding foreign investments in synthetic biology,
9 bioengineering, and genetics fields that are ma-
10 terially related to national security and defense.

11 (D) Means by which to foster greater em-
12 phasis and investments in basic and advanced
13 research to stimulate private, public, academic,
14 and combined initiatives in synthetic biology,
15 bioengineering, and other associated tech-
16 nologies, to the extent that such efforts have
17 application materially related to national secu-
18 rity and defense.

19 (E) Workforce and education incentives to
20 attract and recruit leading talent in synthetic
21 biology and bioengineering disciplines, including
22 science, technology, engineering, and biology
23 and genetics programs.

24 (F) Risks associated with adversary ad-
25 vances in military employment of synthetic biol-

1 ogy and bioengineering, including international
2 law of armed conflict, international humani-
3 tarian law, and escalation dynamics.

4 (G) Associated ethical considerations re-
5 lated to synthetic biology, bioengineering, and
6 genetics as it will be used for future applica-
7 tions related to national security and defense.

8 (H) Means to establish international
9 genomic data standards and incentivize the
10 sharing of open training data within related na-
11 tional security and defense synthetic biology-
12 driven industries.

13 (I) Consideration of the evolution of syn-
14 thetic biology and bioengineering and appro-
15 priate mechanisms for managing such tech-
16 nology related to national security and defense.

17 (J) Any other matters the Commission
18 deems relevant to the common defense of the
19 Nation.

20 (g) POWERS OF COMMISSION.—

21 (1) IN GENERAL.—(A) The Commission or, on
22 the authorization of the Commission, any sub-
23 committee or member thereof, may, for the purpose
24 of carrying out the provisions of this section—

1 (i) hold such hearings and sit and act at
2 such times and places, take such testimony, re-
3 ceive such evidence, and administer such oaths;
4 and

5 (ii) require, by subpoena or otherwise, the
6 attendance and testimony of such witnesses and
7 the production of such books, records, cor-
8 respondence, memoranda, papers, and docu-
9 ments, as the Commission or such designated
10 subcommittee or designated member considers
11 necessary.

12 (B) Subpoenas may be issued under subpara-
13 graph (A)(ii) under the signature of the co-chairs of
14 the Commission, and may be served by any person
15 designated by such co-chairs.

16 (C) The provisions of sections 102 through 104
17 of the Revised Statutes of the United States (2
18 U.S.C. 192–194) shall apply in the case of any fail-
19 ure of a witness to comply with any subpoena or to
20 testify when summoned under authority of this sec-
21 tion.

22 (2) CONTRACTING.—The Commission may, to
23 such extent and in such amounts as are provided in
24 advance in appropriation Acts, enter into contracts

1 to enable the Commission to discharge its duties
2 under this title.

3 (3) INFORMATION FROM FEDERAL AGENCIES.—

4 (A) The Commission may secure directly from any
5 executive department, agency, bureau, board, com-
6 mission, office, independent establishment, or instru-
7 mentality of the Government information, sugges-
8 tions, estimates, and statistics for the purposes of
9 this title.

10 (B) Each such department, agency, bureau,
11 board, commission, office, establishment, or instru-
12 mentality shall, to the extent authorized by law, fur-
13 nish such information, suggestions, estimates, and
14 statistics directly to the Commission, upon request
15 of the co-chairs of the Commission.

16 (C) The Commission shall handle and protect
17 all classified information provided to it under this
18 section in accordance with applicable statutes and
19 regulations.

20 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

21 (A) The Secretary of Defense shall provide to the
22 Commission, on a nonreimbursable basis, such ad-
23 ministrative services, funds, staff, facilities, and
24 other support services as are necessary for the per-
25 formance of the Commission's duties under this title.

1 (B) The Director of National Intelligence may
2 provide the Commission, on a nonreimbursable basis,
3 with such administrative services, staff, and other
4 support services as the Commission may request.

5 (C) In addition to the assistance set forth in
6 paragraphs (1) and (2), other departments and
7 agencies of the United States may provide the Com-
8 mission such services, funds, facilities, staff, and
9 other support as such departments and agencies
10 consider advisable and as may be authorized by law.

11 (D) The Commission shall receive the full and
12 timely cooperation of any official, department, or
13 agency of the United States Government whose as-
14 sistance is necessary, as jointly determined by the
15 co-chairs selected under subsection (b)(2), for the
16 fulfillment of the duties of the Commission, includ-
17 ing the provision of full and current briefings and
18 analyses.

19 (5) **POSTAL SERVICES.**—The Commission may
20 use the United States postal services in the same
21 manner and under the same conditions as the de-
22 partments and agencies of the United States.

23 (6) **GIFTS.**—No member or staff of the Com-
24 mission may receive a gift or benefit by reason of

1 the service of such member or staff to the Commis-
2 sion.

3 (h) STAFF OF COMMISSION.—

4 (1) IN GENERAL.—(A) The co-chairs of the
5 Commission, in accordance with rules agreed upon
6 by the Commission, shall appoint and fix the com-
7 pensation of a staff director and such other per-
8 sonnel as may be necessary to enable the Commis-
9 sion to carry out its duties, without regard to the
10 provisions of title 5, United States Code, governing
11 appointments in the competitive service, and without
12 regard to the provisions of chapter 51 and sub-
13 chapter III of chapter 53 of such title relating to
14 classification and General Schedule pay rates, except
15 that no rate of pay fixed under this subsection may
16 exceed the equivalent of that payable to a person oc-
17 cupying a position at level V of the Executive Sched-
18 ule under section 5316 of such title.

19 (B) Any Federal Government employee may be
20 detailed to the Commission without reimbursement
21 from the Commission, and such detailee shall retain
22 the rights, status, and privileges of his or her reg-
23 ular employment without interruption.

24 (C) All staff of the Commission shall possess a
25 security clearance in accordance with applicable laws

1 and regulations concerning the handling of classified
2 information.

3 (2) CONSULTANT SERVICES.—(A) The Commis-
4 sion may procure the services of experts and consult-
5 ants in accordance with section 3109 of title 5,
6 United States Code, but at rates not to exceed the
7 daily rate paid a person occupying a position at level
8 IV of the Executive Schedule under section 5315 of
9 such title.

10 (B) All experts and consultants employed by
11 the Commission shall possess a security clearance in
12 accordance with applicable laws and regulations con-
13 cerning the handling of classified information.

14 (i) COMPENSATION AND TRAVEL EXPENSES.—

15 (1) COMPENSATION.—(A) Except as provided
16 in paragraph (2), each member of the Commission
17 may be compensated at not to exceed the daily
18 equivalent of the annual rate of basic pay in effect
19 for a position at level IV of the Executive Schedule
20 under section 5315 of title 5, United States Code,
21 for each day during which that member is engaged
22 in the actual performance of the duties of the Com-
23 mission under this title.

24 (B) Members of the Commission who are offi-
25 cers or employees of the United States or Members

1 of Congress shall receive no additional pay by reason
2 of their service on the Commission.

3 (2) TRAVEL EXPENSES.—While away from
4 their homes or regular places of business in the per-
5 formance of services for the Commission, members
6 of the Commission may be allowed travel expenses,
7 including per diem in lieu of subsistence, in the
8 same manner as persons employed intermittently in
9 the Government service are allowed expenses under
10 section 5703 of title 5, United States Code.

11 (j) TREATMENT OF INFORMATION RELATING TO NA-
12 TIONAL SECURITY.—

13 (1) IN GENERAL.—(A) The Director of Na-
14 tional Intelligence shall assume responsibility for the
15 handling and disposition of any information related
16 to the national security of the United States that is
17 received, considered, or used by the Commission
18 under this title.

19 (B) Any information related to the national se-
20 curity of the United States that is provided to the
21 Commission by a congressional intelligence commit-
22 tees or the congressional armed services committees
23 may not be further provided or released without the
24 approval of the chairman of such committees.

1 (2) ACCESS AFTER TERMINATION OF COMMIS-
2 SION.—Notwithstanding any other provision of law,
3 after the termination of the Commission under sub-
4 section (k)(2), only the members and designated
5 staff of the congressional intelligence committees,
6 the Director of National Intelligence (and the des-
7 ignees of the Director), and such other officials of
8 the executive branch as the President may designate
9 shall have access to information related to the na-
10 tional security of the United States that is received,
11 considered, or used by the Commission.

12 (k) REPORTS; TERMINATION.—

13 (1) INITIAL REPORT.—Not later than 180 days
14 after the date of the enactment of this Act, the
15 Commission shall submit to the President and Con-
16 gress an initial report on the findings of the Com-
17 mission and such recommendations that the Com-
18 mission may have for action by the executive branch
19 and Congress related to synthetic biology, bio-
20 engineering, and associated technologies, including
21 recommendations to more effectively organize the
22 Federal Government.

23 (2) ANNUAL COMPREHENSIVE REPORTS.—Not
24 later than one year after the date of this enactment
25 of this Act, and every year thereafter annually, until

1 the date specified in subsection (e), the Commission
2 shall submit a comprehensive report on the review
3 required under subsection (b).

4 (3) TERMINATION.—The Commission, and all
5 the authorities of this section, shall terminate on Oc-
6 tober 1, 2023.

7 (l) ASSESSMENTS OF ANNUAL COMPREHENSIVE RE-
8 PORTS.—Not later than 60 days after receipt of the an-
9 nual comprehensive report(s) under subsection (k)(2), the
10 Secretary of Defense, the Secretary of Commerce, the Sec-
11 retary of Health and Human Services, and the Director
12 of National Intelligence shall each submit to congress an
13 assessment by the Director or the Secretary, as the case
14 may be, of the final report. Each assessment shall include
15 such comments on the findings and recommendations con-
16 tained in the final report as the Director or Secretary, as
17 the case may be, considers appropriate.

18 (m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE
19 PROVISIONS.—

20 (1) FEDERAL ADVISORY COMMITTEE ACT.—The
21 provisions of the Federal Advisory Committee Act (5
22 U.S.C. App.) shall not apply to the activities of the
23 Commission under this section.

24 (2) FREEDOM OF INFORMATION ACT.—The pro-
25 visions of section 552 of title 5, United States Code

1 (commonly referred to as the Freedom of Informa-
2 tion Act), shall not apply to the activities, records,
3 and proceedings of the Commission under this sec-
4 tion.

5 (n) FUNDING.—

6 (1) IN GENERAL.—Notwithstanding the
7 amounts set forth in the funding tables in division
8 D, the amount authorized to be appropriated in sec-
9 tion 301 for operation and maintenance, Defense-
10 wide, as specified in the corresponding funding table
11 in section 4301, for admin & servicewide activities,
12 Office of the Secretary of Defense, line 540, is here-
13 by increased by \$10,000,000 (to be made available
14 in support of the Commission under this subtitle).

15 (2) AVAILABILITY.—Subject to paragraph (1),
16 the Secretary of Defense shall make available to the
17 Commission such amounts as the Commission may
18 require for purposes of the activities of the Commis-
19 sion under this section.

20 (3) DURATION OF AVAILABILITY.—Amounts
21 made available to the Commission under paragraph
22 (2) shall remain available until expended.

23 (4) OFFSET.—Notwithstanding the amounts set
24 forth in the funding tables in division D, the amount
25 authorized to be appropriated in section 1405 for

1 Defense Health Program, for Private Sector Care,
2 as specified in the corresponding funding table in
3 section 4501, is hereby reduced by \$10,000,000.

4 (o) DEFINITIONS.—In this section—

5 (1) SYNTHETIC BIOLOGY.—The term “synthetic
6 biology” means the design and construction of new
7 biological parts devices and systems and the re-de-
8 sign of existing, natural biological systems for useful
9 purposes.

10 (2) BIOMANUFACTURING.—The term “bio-
11 manufacturing” means the utilization of biological
12 systems to develop new and advance existing prod-
13 ucts, tools, and processes at commercial scale.

14 (3) BIOENGINEERING.—The term “bio-
15 engineering” means the application of engineering
16 design principles and practices to biological systems,
17 including molecular and cellular systems, to advance
18 fundamental understanding of complex natural sys-
19 tems and to enable novel or optimize functions and
20 capabilities.

21 **SEC. 6445. REQUIREMENTS RELATING TO UNMANNED AIR-**
22 **CRAFT SYSTEMS.**

23 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the congressional defense committees;

5 (B) the Committee on Science, Space, and
6 Technology, and the Committee on Transpor-
7 tation and Infrastructure of the House of Rep-
8 resentatives; and

9 (C) the Committee on Commerce, Science,
10 and Transportation of the Senate.

11 (2) COVERED FOREIGN ENTITY.—The term
12 “covered foreign entity” means an entity included on
13 a list developed and maintained by the Federal Ac-
14 quisition Security Council that includes entities in
15 the following categories:

16 (A) An entity included on the Consolidated
17 Screening List.

18 (B) Any entity that is subject to
19 extrajudicial direction from a foreign govern-
20 ment, as determined by the Secretary of Home-
21 land Security.

22 (C) Any entity the Secretary of Homeland
23 Security, in coordination with the Director of
24 National Intelligence and the Secretary of De-
25 fense, determines poses a national security risk.

1 (D) Any entity domiciled in the People’s
2 Republic of China or subject to influence or
3 control by the Government of the People’s Re-
4 public of China or the Communist Party of the
5 People’s Republic of China, as determined by
6 the Secretary of Homeland Security.

7 (E) Any subsidiary or affiliate of an entity
8 described in subparagraphs (A) through (D).

9 (3) EXECUTIVE AGENCY.—The term “executive
10 agency” has the meaning given that term in section
11 133 of title 41, United States Code.

12 (4) UNMANNED AIRCRAFT SYSTEM; UAS.—Ex-
13 cept as otherwise provided, the terms “unmanned
14 aircraft system” and “UAS” mean an unmanned
15 aircraft and associated elements (consisting of com-
16 munication links and the components that control
17 the unmanned aircraft) that are required for the op-
18 erator to operate safely and efficiently in the na-
19 tional airspace system.

20 (b) PROHIBITION ON PROCUREMENT OF UNMANNED
21 AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTI-
22 TIES.—

23 (1) IN GENERAL.—Except as provided under
24 paragraphs (2) and (3), the head of an executive
25 agency may not procure any unmanned aircraft sys-

1 tem that is manufactured, assembled, designed, or
2 patented by a covered foreign entity that are re-
3 quired for the operator to operate safely and effi-
4 ciently in the national airspace system. The Federal
5 Acquisition Security Council, in coordination with
6 the Secretary of Transportation, shall develop and
7 update a list of associated elements.

8 (2) EXEMPTION.—The Secretary of Homeland
9 Security, the Secretary of Defense, and the Attorney
10 General are exempt from the restriction under para-
11 graph (1) if the operation or procurement—

12 (A) is for the sole purposes of research,
13 evaluation, training, testing, or analysis for—

14 (i) electronic warfare;

15 (ii) information warfare operations;

16 (iii) development of UAS or counter-
17 UAS technology;

18 (iv) counterterrorism or counterintel-
19 ligence activities; or

20 (v) Federal criminal investigations, in-
21 cluding forensic examinations; and

22 (B) is required in the national interest of
23 the United States.

24 (3) WAIVER.—The head of an executive agency
25 may waive the prohibition under paragraph (1)—

1 (A) with the approval of the Secretary of
2 Homeland Security or the Secretary of Defense;
3 and

4 (B) upon notification to Congress.

5 (c) PROHIBITION ON OPERATION OF UNMANNED
6 AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTI-
7 TIES.—

8 (1) PROHIBITION.—

9 (A) IN GENERAL.—Beginning on the date
10 that is 2 years after the date of the enactment
11 of this Act, an executive agency may not oper-
12 ate an unmanned aircraft system manufac-
13 tured, assembled, designed, or patented by a
14 covered foreign entity.

15 (B) APPLICABILITY TO CONTRACTED
16 SERVICES.—The prohibition under subpara-
17 graph (A) applies to any unmanned aircraft
18 systems that are being used by any executive
19 agency through the method of contracting for
20 the services of unmanned aircraft systems.

21 (2) EXEMPTION.—The Secretary of Homeland
22 Security, the Secretary of Defense, and the Attorney
23 General are exempt from the restriction under para-
24 graph (1) if the operation or procurement—

- 1 (A) is for the sole purposes of research,
2 evaluation, training, testing, or analysis for—
3 (i) electronic warfare;
4 (ii) information warfare operations;
5 (iii) development of UAS or counter-
6 UAS technology;
7 (iv) counterterrorism or counterintel-
8 ligence activities; or
9 (v) Federal criminal investigations, in-
10 cluding forensic examinations; and
11 (B) is required in the national interest of
12 the United States.

13 (3) WAIVER.—The head of an executive agency
14 may waive the prohibition under paragraph (1) on a
15 case-by-case basis—

16 (A) with the approval of the Secretary of
17 Homeland Security or the Secretary of Defense;
18 and

19 (B) upon notification to Congress.

20 (4) REGULATIONS AND GUIDANCE.—Not later
21 than 180 days after the date of the enactment of
22 this Act, the Secretary of Homeland Security shall
23 prescribe regulations or guidance to implement this
24 section.

1 (d) PROHIBITION ON USE OF FEDERAL FUNDS FOR
2 PURCHASES AND OPERATION OF UNMANNED AIRCRAFT
3 SYSTEMS FROM COVERED FOREIGN ENTITIES.—

4 (1) IN GENERAL.—Beginning on the date that
5 is 2 years after the date of the enactment of this
6 Act, except as provided in paragraphs (2) and (3),
7 Federal funds awarded through a contract, grant, or
8 cooperative agreement entered into on or after such
9 effective date, or otherwise made available, may not
10 be used—

11 (A) to purchase a unmanned aircraft sys-
12 tem, or a system to counter unmanned aircraft
13 systems, that is manufactured, assembled, de-
14 signed, or patented by a covered foreign entity;
15 or

16 (B) in connection with the operation of
17 such a drone or unmanned aircraft system.

18 (2) EXEMPTION.—An executive agency is ex-
19 empt from the restriction under paragraph (1) if the
20 operation or procurement is for the sole purposes of
21 research, evaluation, training, testing, or analysis, as
22 determined by the Secretary of Homeland Security,
23 the Secretary of Defense, or the Attorney General,
24 for—

25 (A) electronic warfare;

1 (B) information warfare operations;

2 (C) development of UAS or counter-UAS
3 technology;

4 (D) counterterrorism or counterintelligence
5 activities;

6 (E) Federal criminal investigations, includ-
7 ing forensic examinations; or

8 (F) the safe integration of UAS in the na-
9 tional airspace (as determined in consultation
10 with the Secretary of Transportation); and

11 (G) is required in the national interest of
12 the United States.

13 (3) WAIVER.—The head of an executive agency
14 may waive the prohibition under paragraph (1) on a
15 case-by-case basis—

16 (A) with the approval of the Secretary of
17 Homeland Security or the Secretary of Defense;
18 and

19 (B) upon notification to Congress.

20 (4) REGULATIONS.—Not later than 180 days
21 after the date of the enactment of this Act, the Fed-
22 eral Acquisition Regulatory Council shall prescribe
23 regulations or guidance, as necessary, to implement
24 the requirements of this section relating to Federal
25 contracts.

1 (e) PROHIBITION ON USE OF GOVERNMENT-ISSUED
2 PURCHASE CARDS TO PURCHASE UNMANNED AIRCRAFT
3 SYSTEMS FROM COVERED FOREIGN ENTITIES.—Effective
4 immediately, Government-issued Purchase Cards may not
5 be used to procure any unmanned aircraft system from
6 a covered foreign entity.

7 (f) MANAGEMENT OF EXISTING INVENTORIES OF
8 UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOR-
9 EIGN ENTITIES.—

10 (1) IN GENERAL.—Effective immediately, all
11 executive agencies must account for existing inven-
12 tories of unmanned aircraft systems manufactured,
13 assembled, designed, or patented by a covered for-
14 eign entity in their personal property accounting sys-
15 tems, regardless of the original procurement cost, or
16 the purpose of procurement due to the special moni-
17 toring and accounting measures necessary to track
18 the items' capabilities.

19 (2) CLASSIFIED TRACKING.—Due to the sen-
20 sitive nature of missions and operations conducted
21 by the United States Government, inventory data re-
22 lated to unmanned aircraft systems manufactured,
23 assembled, designed, or patented by a covered for-
24 eign entity may be tracked at a classified level.

1 (3) EXCEPTIONS.—The Department of Defense
2 and Department of Homeland Security may exclude
3 from the full inventory process, unmanned aircraft
4 systems that are deemed expendable due to mission
5 risk such as recovery issues or that are one-time-use
6 unmanned aircraft system due to requirements and
7 low cost.

8 (g) COMPTROLLER GENERAL REPORT.—Not later
9 than 275 days after the date of the enactment of this Act,
10 the Comptroller General of the United States shall submit
11 to Congress a report on the amount of commercial off-
12 the-shelf drones and unmanned aircraft systems procured
13 by Federal departments and agencies from covered foreign
14 entities.

15 (h) GOVERNMENT-WIDE POLICY FOR PROCUREMENT
16 OF UNMANNED AIRCRAFT SYSTEMS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Di-
19 rector of the Office of Management and Budget, in
20 coordination with the Department of Homeland Se-
21 curity, Department of Transportation, the Depart-
22 ment of Justice, and other Departments as deter-
23 mined by the Director of the Office of Management
24 and Budget, and in consultation with the National
25 Institute of Standards and Technology, shall estab-

1 lish a government-wide policy for the procurement of
2 UAS—

3 (A) for non-Department of Defense and
4 non-intelligence community operations; and

5 (B) through grants and cooperative agree-
6 ments entered into with non-Federal entities.

7 (2) INFORMATION SECURITY.—The policy devel-
8 oped under paragraph (1) shall include the following
9 specifications, which to the extent practicable, shall
10 be based on industry standards and technical guid-
11 ance from the National Institute of Standards and
12 Technology, to address the risks associated with
13 processing, storing and transmitting Federal infor-
14 mation in a UAS:

15 (A) Protections to ensure controlled access
16 of UAS.

17 (B) Protecting software, firmware, and
18 hardware by ensuring changes to UAS are
19 properly managed, including by ensuring UAS
20 can be updated using a secure, controlled, and
21 configurable mechanism.

22 (C) Cryptographically securing sensitive
23 collected, stored, and transmitted data, includ-
24 ing proper handling of privacy data and other
25 controlled unclassified information.

1 (D) Appropriate safeguards necessary to
2 protect sensitive information, including during
3 and after use of UAS.

4 (E) Appropriate data security to ensure
5 that data is not transmitted to or stored in non-
6 approved locations.

7 (F) The ability to opt out of the uploading,
8 downloading, or transmitting of data that is not
9 required by law or regulation and an ability to
10 choose with whom and where information is
11 shared when it is required.

12 (3) REQUIREMENT.—The policy developed
13 under paragraph (1) shall reflect an appropriate
14 risk-based approach to information security related
15 to use of UAS.

16 (4) REVISION OF ACQUISITION REGULATIONS.—
17 Not later than 180 days after the date on which the
18 policy required under paragraph (1) is issued—

19 (A) the Federal Acquisition Regulatory
20 Council shall revise the Federal Acquisition
21 Regulation, as necessary, to implement the pol-
22 icy; and

23 (B) any executive agency or other Federal
24 entity not subject to, or not subject solely to,
25 the Federal Acquisition Regulation shall revise

1 applicable policy, guidance, or regulations, as
2 necessary, to implement the policy.

3 (5) EXEMPTION.—In developing the policy re-
4 quired under paragraph (1), the Director of the Of-
5 fice of Management and Budget shall incorporate an
6 exemption to the policy for the following reasons:

7 (A) In the case of procurement for the
8 purposes of training, testing, or analysis for—

9 (i) electronic warfare; or

10 (ii) information warfare operations.

11 (B) In the case of researching UAS tech-
12 nology, including testing, evaluation, research,
13 or development of technology to counter UAS.

14 (C) In the case of a head of the procuring
15 executive agency determining, in writing, that
16 no product that complies with the information
17 security requirements described in paragraph
18 (2) is capable of fulfilling mission critical per-
19 formance requirements, and such determina-
20 tion—

21 (i) may not be delegated below the
22 level of the Deputy Secretary of the pro-
23 curing executive agency;

24 (ii) shall specify—

1 (I) the quantity of end items to
2 which the waiver applies, the procure-
3 ment value of which may not exceed
4 \$50,000 per waiver; and

5 (II) the time period over which
6 the waiver applies, which shall not ex-
7 ceed 3 years;

8 (iii) shall be reported to the Office of
9 Management and Budget following
10 issuance of such a determination; and

11 (iv) not later than 30 days after the
12 date on which the determination is made,
13 shall be provided to the Committee on
14 Homeland Security and Government Af-
15 fairs of the Senate and the Committee on
16 Oversight and Reform of the House of
17 Representatives.

18 (i) STUDY ON THE SUPPLY CHAIN FOR UNMANNED
19 AIRCRAFT SYSTEMS AND COMPONENTS.—

20 (1) REPORT REQUIRED.—Not later than 180
21 days after the date of the enactment of this Act, the
22 Under Secretary of Defense for Acquisition and
23 Sustainment, in consultation with the Administrator
24 of the National Aeronautics and Space Administra-
25 tion, shall provide to the appropriate congressional

1 committees a report on the supply chain for covered
2 unmanned aircraft systems, including a discussion of
3 current and projected future demand for covered un-
4 manned aircraft systems.

5 (2) ELEMENTS.—The report under paragraph
6 (1) shall include the following:

7 (A) A description of the current and future
8 global and domestic market for covered un-
9 manned aircraft systems that are not widely
10 commercially available except from a covered
11 foreign entity.

12 (B) A description of the sustainability,
13 availability, cost, and quality of secure sources
14 of covered unmanned aircraft systems domesti-
15 cally and from sources in allied and partner
16 countries.

17 (C) The plan of the Secretary of Defense
18 to address any gaps or deficiencies identified in
19 subparagraph (B), including through the use of
20 funds available under the Defense Production
21 Act of 1950 (50 U.S.C. 4501 et seq.) and part-
22 nerships with the National Aeronautics and
23 Space Administration and other interested per-
24 sons.

1 (D) Such other information as the Under
2 Secretary of Defense for Acquisition and
3 Sustainment determines to be appropriate.

4 (3) COVERED UNMANNED AIRCRAFT SYSTEM
5 DEFINED.—In this subsection, the term “covered
6 unmanned aircraft system” means an unmanned air-
7 craft system (as defined in subsection (a)) and any
8 components of such a system.

9 **SEC. 6446. ADMISSION OF ESSENTIAL SCIENTISTS AND**
10 **TECHNICAL EXPERTS TO PROMOTE AND PRO-**
11 **TECT NATIONAL SECURITY INNOVATION**
12 **BASE.**

13 (a) SPECIAL IMMIGRANT STATUS.—In accordance
14 with the procedures established under subsection (f)(1),
15 and subject to subsection (c)(1), the Secretary of Home-
16 land Security may provide an alien described in subsection
17 (b) (and the spouse and children of the alien if accom-
18 panying or following to join the alien) with the status of
19 a special immigrant under section 101(a)(27) of the Immi-
20 gration and Nationality Act (8 U.S.C. 1101(a)(27)), if the
21 alien—

22 (1) submits a classification petition under sec-
23 tion 204(a)(1)(G)(i) of such Act (8 U.S.C.
24 1154(a)(1)(G)(i)); and

1 (2) is otherwise eligible to receive an immigrant
2 visa and is otherwise admissible to the United States
3 for permanent residence.

4 (b) ALIENS DESCRIBED.—An alien is described in
5 this subsection if—

6 (1) the alien—

7 (A) is employed by a United States em-
8 ployer and engaged in work to promote and
9 protect the National Security Innovation Base;

10 (B) is engaged in basic or applied re-
11 search, funded by the Department of Defense,
12 through a United States institution of higher
13 education (as defined in section 101 of the
14 Higher Education Act of 1965 (20 U.S.C.
15 1001)); or

16 (C) possesses scientific or technical exper-
17 tise that will advance the development of crit-
18 ical technologies identified in the National De-
19 fense Strategy or the National Defense Science
20 and Technology Strategy, required by section
21 218 of the John S. McCain National Defense
22 Authorization Act for Fiscal Year 2019 (Public
23 Law 115–232; 132 Stat. 1679); and

24 (2) the Secretary of Defense issues a written
25 statement to the Secretary of Homeland Security

1 confirming that the admission of the alien is essen-
2 tial to advancing the research, development, testing,
3 or evaluation of critical technologies described in
4 paragraph (1)(C) or otherwise serves national secu-
5 rity interests.

6 (c) NUMERICAL LIMITATIONS.—

7 (1) IN GENERAL.—The total number of prin-
8 cipal aliens who may be provided special immigrant
9 status under this section may not exceed—

10 (A) 10 in each of fiscal years 2022
11 through 2030; and

12 (B) 100 in fiscal year 2031 and each fiscal
13 year thereafter.

14 (2) EXCLUSION FROM NUMERICAL LIMITA-
15 TION.—Aliens provided special immigrant status
16 under this section shall not be counted against the
17 numerical limitations under sections 201(d), 202(a),
18 and 203(b)(4) of the Immigration and Nationality
19 Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

20 (d) DEFENSE COMPETITION FOR SCIENTISTS AND
21 TECHNICAL EXPERTS.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of Defense
23 shall develop and implement a process to select, on a com-
24 petitive basis from among individuals described in sub-
25 section (b), individuals for recommendation to the Sec-

1 retary of Homeland Security for special immigrant status
2 described in subsection (a).

3 (e) AUTHORITIES.—In carrying out this section, the
4 Secretary of Defense shall authorize appropriate personnel
5 of the Department of Defense to use all personnel and
6 management authorities available to the Department, in-
7 cluding the personnel and management authorities pro-
8 vided to the science and technology reinvention labora-
9 tories, the Major Range and Test Facility Base (as de-
10 fined in 196(i) of title 10, United States Code), and the
11 Defense Advanced Research Projects Agency.

12 (f) PROCEDURES.—Not later than 360 days after the
13 date of the enactment of this Act, the Secretary of Home-
14 land Security and Secretary of Defense shall jointly estab-
15 lish policies and procedures implementing the provisions
16 in this section, which shall include procedures for—

17 (1) processing of petitions for classification sub-
18 mitted under subsection (a)(1) and applications for
19 an immigrant visa or adjustment of status, as appli-
20 cable; and

21 (2) thorough processing of any required secu-
22 rity clearances.

23 (g) FEES.—The Secretary of Homeland Security
24 shall establish a fee—

1 (1) to be charged and collected to process an
2 application filed under this section; and

3 (2) that is set at a level that will ensure recov-
4 ery of the full costs of such processing and any addi-
5 tional costs associated with the administration of the
6 fees collected.

7 (h) IMPLEMENTATION REPORT REQUIRED.—Not
8 later than 180 days after the date of the enactment of
9 this Act, the Secretary of Homeland Security and Sec-
10 retary of Defense shall jointly submit to the appropriate
11 congressional committees a report that includes—

12 (1) a plan for implementing the authorities pro-
13 vided under this section; and

14 (2) identification of any additional authorities
15 that may be required to assist the Secretaries in
16 fully implementing section.

17 (i) PROGRAM EVALUATION AND REPORT.—

18 (1) EVALUATION.—The Comptroller General of
19 the United States shall conduct an evaluation of the
20 competitive program and special immigrant program
21 described in subsections (a) through (g).

22 (2) REPORT.—Not later than October 1, 2026,
23 the Comptroller General shall submit to the appro-
24 priate congressional committees a report on the re-

1 sults of the evaluation conducted under paragraph
2 (1).

3 (j) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Armed Services and
7 the Committee on the Judiciary of the House of
8 Representatives; and

9 (B) the Committee on Armed Services and
10 the Committee on the Judiciary of the Senate.

11 (2) The term “National Security Innovation
12 Base” means the network of persons and organiza-
13 tions, including Federal agencies, institutions of
14 higher education, Federally funded research and de-
15 velopment centers, defense industrial base entities,
16 nonprofit organizations, commercial entities, and
17 venture capital firms that are engaged in the mili-
18 tary and non-military research, development, fund-
19 ing, and production of innovative technologies that
20 support the national security of the United States.

21 **SEC. 6447. CONTRACTS BY THE PRESIDENT, THE VICE**
22 **PRESIDENT, OR A CABINET MEMBER.**

23 (a) AMENDMENT.—Section 431 of title 18, United
24 States Code, is amended—

1 (1) in the section heading, by inserting “**the**
2 **President, the Vice President, a Cabinet**
3 **Member, or a**” after “**Contracts by**”; and

4 (2) in the first undesignated paragraph, by in-
5 serting “the President, the Vice President, or any
6 member of the Cabinet,” after “Whoever, being”.

7 (b) TABLE OF SECTIONS AMENDMENT.—The table of
8 sections for chapter 23 of title 18, United States Code,
9 is amended by striking the item relating to section 431
10 and inserting the following:

“431. Contracts by the President, the Vice President, a Cabinet Member, or a
Member of Congress.”.

11 **SEC. 6448. REPORT ON ALL COMPREHENSIVE SANCTIONS**
12 **IMPOSED ON FOREIGN GOVERNMENTS.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of the enactment of this Act, the Comptroller General
15 of the United States, in consultation with the Secretary
16 of State, the Secretary of the Treasury, and the head of
17 any other relevant Federal department or agency that the
18 Comptroller General determines necessary, shall submit to
19 the appropriate congressional committees a report on all
20 comprehensive sanctions imposed on de jure or de facto
21 governments of foreign countries, and all comprehensive
22 sanctions imposed on non-state actors that exercise signifi-
23 cant de facto governmental control over a foreign civilian
24 population, under any provision of law.

1 (b) MATTERS TO BE INCLUDED.—The report re-
2 quired by subsection (a) shall include—

3 (1) an assessment of the effect of sanctions im-
4 posed on the government of each foreign country
5 and each non-state actor that exercises significant de
6 facto governmental control over a foreign civilian
7 population described in subsection (a) on—

8 (A) the ability of civilian population of the
9 country to access water, food, sanitation, and
10 public health services, including all humani-
11 tarian aid and supplies related to the preven-
12 tion, diagnosis, and treatment of COVID–19;

13 (B) the changes to the general mortality
14 rate, maternal mortality rate, life expectancy,
15 and literacy;

16 (C) the extent to which there is an increase
17 in refugees or migration to or from the country
18 or an increase in internally displaced people in
19 the country;

20 (D) the degree of international compliance
21 and non-compliance of the country; and

22 (E) the licensing of transactions to allow
23 access to essential goods and services to vulner-
24 able populations, including the number of li-
25 censes applied for, approved, or denied and rea-

1 sons why such licenses were denied, and aver-
2 age time to receive a decision; and

3 (2) a description of the purpose of sanctions
4 imposed on the government of each foreign country
5 and each non-state actor that exercises significant de
6 facto governmental control over a foreign civilian
7 population described in subsection (a) and the re-
8 quired legal or political authority, including—

9 (A) an assessment of United States na-
10 tional security;

11 (B) an assessment of whether the stated
12 foreign policy goals of the sanctions are being
13 met;

14 (C) the degree of international support or
15 opposition to the sanctions; and

16 (D) an assessment of such sanctions on
17 United States businesses, consumers, and fi-
18 nancial institutions.

19 (c) FORM.—The report required by subsection (a)
20 shall be submitted in unclassified form, but may contain
21 a classified annex. The unclassified portion of the report
22 shall be published on a publicly-available website of the
23 Government of the United States.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Committee on Foreign Affairs, the
5 Committee on Financial Services, and the Com-
6 mittee on Ways and Means of the House of Rep-
7 resentatives; and

8 (2) the Committee on Foreign Relations, the
9 Committee on Banking, Housing, and Urban Af-
10 fairs, and the Committee on Finance of the Senate.

11 **SEC. 6449. COMPTROLLER GENERAL REPORT ON EQUIP-**
12 **MENT IN AFGHANISTAN.**

13 The Comptroller General of the United States shall
14 submit to Congress a report accounting for any equipment
15 provided by the United States Coast Guard or the Army
16 Corps of Engineers to any regime in Afghanistan and that
17 has been left behind in Afghanistan.

18 **SEC. 6450. CHINA ECONOMIC DATA COORDINATION CEN-**
19 **TER.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the Secretary of Com-
22 merce, in coordination with the Secretary of the Treasury,
23 shall establish within the Bureau of Economic Analysis of
24 the Department of Commerce a China Economic Data Co-

1 ordination Center (in this section referred to as the “Cen-
2 ter”).

3 (b) DUTIES.—The Center, in coordination with the
4 heads of other relevant Federal agencies and the private
5 sector, shall collect and synthesize official and unofficial
6 Chinese economic data on developments in China’s finan-
7 cial markets and United States exposure to risks and
8 vulnerabilities in China’s financial system, including—

9 (1) data on baseline economic statistics such as
10 gross domestic product (GDP) and other indicators
11 of economic health;

12 (2) data on national and local government debt;

13 (3) data on nonperforming loan amounts;

14 (4) data on the composition of shadow banking
15 assets;

16 (5) data on the composition of China’s foreign
17 exchange reserves;

18 (6) data on bank loan interest rates;

19 (7) data on United States retirement accounts
20 tied to Chinese investments;

21 (8) data on China’s exposure to foreign bor-
22 rowers and flows of official financing for China’s
23 Belt and Road Initiative and other trade-related ini-
24 tiatives, including data from the Export-Import
25 Bank of China, the China Export and Credit Insur-

1 ance Corporation (Sinosure), and the China Devel-
2 opment Bank;

3 (9) data on sovereign or near-sovereign loans
4 made by China to other countries or guaranteed by
5 sovereign entities; and

6 (10) data on Chinese domestic retirement ac-
7 counts and investments.

8 (c) BRIEFINGS.—The Center shall provide to the ap-
9 propriate congressional committees and the private sector
10 on a biannual basis briefings on implementation of the du-
11 ties of the Center.

12 (d) REPORTS AND PUBLIC UPDATES.—

13 (1) INITIAL REPORT.—Not later than 180 days
14 after the date of the enactment of this Act, the Bu-
15 reau of Economic Analysis of the Department of
16 Commerce shall submit to the appropriate congress-
17 sional committees a report that—

18 (A) describes the current capabilities of the
19 Center; and

20 (B) describes the estimated resources,
21 staffing, and funding needed for the Center to
22 operate, including the estimated resources,
23 staffing, and funding needed for the Center to
24 operate at increased capacity.

25 (2) ONGOING REPORTS.—

1 (A) IN GENERAL.—Not later than 90 days
2 after the date of the establishment of the Cen-
3 ter under subsection (a), and on a quarterly
4 basis thereafter, the Center shall submit to the
5 appropriate congressional committees a report
6 in writing on implementation of the duties of
7 the Center.

8 (B) MATTERS TO BE INCLUDED.—The re-
9 port required by this subsection shall include—

10 (i) key findings, data, the research
11 and development activities of the affiliates
12 of United States multinational enterprises
13 operating in China, and a description of
14 the implications of such activities for
15 United States production, employment,
16 and the economy; and

17 (ii) a description of United States in-
18 dustry interactions with Chinese state-
19 owned enterprises and other state-affiliated
20 entities and inbound Chinese investments.

21 (3) PUBLIC UPDATES.—The Center shall pro-
22 vide to the public on a monthly basis updates on im-
23 plementation of the duties of the Center.

24 (e) RECOMMENDATIONS AND STRATEGIES.—The
25 Secretary of the Treasury, using data collected and syn-

1 thesized by the Center under subsection (b) and in con-
2 sultation with the Center, shall—

3 (1) develop recommendations and strategies for
4 ways in which the United States can respond to po-
5 tential risks and exposures within China’s financial
6 system; and

7 (2) not later than 90 days after the date of the
8 establishment of the Center under subsection (a),
9 submit to the appropriate congressional committees
10 a report that contains such recommendations and
11 strategies.

12 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
13 FINED.—In this section, the term “appropriate congres-
14 sional committees” means—

15 (1) the Committee on Foreign Affairs, the
16 Committee on Financial Services, and the Com-
17 mittee on Energy and Commerce of the House of
18 Representatives; and

19 (2) Committee on Foreign Relations, the Com-
20 mittee on Banking, Housing, and Urban Affairs,
21 and the Committee on Commerce, Science, and
22 Transportation of the Senate.

23 **SEC. 6451. FLIGHT INSTRUCTION OR TESTING.**

24 (a) IN GENERAL.—An authorized flight instructor
25 providing student instruction, flight instruction, or flight

1 training shall not be deemed to be operating an aircraft
2 carrying persons or property for compensation or hire.

3 (b) AUTHORIZED ADDITIONAL PILOTS.—An indi-
4 vidual acting as an authorized additional pilot during
5 Phase I flight testing of aircraft holding an experimental
6 airworthiness certificate, in accordance with section
7 21.191 of title 14, Code of Federal Regulations, and meet-
8 ing the requirements set forth in Federal Aviation Admin-
9 istration regulations and policy in effect as of the date
10 of enactment of this section, shall not be deemed to be
11 operating an aircraft carrying persons or property for
12 compensation or hire.

13 (c) USE OF AIRCRAFT.—An individual who uses,
14 causes to use, or authorizes to use aircraft for flights con-
15 ducted under subsection (a) or (b) shall not be deemed
16 to be operating an aircraft carrying persons or property
17 for compensation or hire.

18 (d) REVISION OF RULES.—The requirements of this
19 section shall become effective upon the date of enactment.
20 The Administrator of the Federal Aviation Administration
21 shall issue, revise, or repeal the rules, regulations, guid-
22 ance, or procedures of the Federal Aviation Administra-
23 tion to conform to the requirements of this section.

1 **SEC. 6452. REQUIRED NOTIFICATION AND REPORTS RE-**
2 **LATED TO PEACEKEEPING OPERATIONS AC-**
3 **COUNT.**

4 (a) CONGRESSIONAL NOTIFICATION.—Not later than
5 15 days prior to the obligation of amounts made available
6 to provide assistance pursuant to section 551 of the For-
7 eign Assistance Act of 1961 (22 U.S.C. 2348), the Sec-
8 retary of State shall submit to the appropriate congres-
9 sional committees a notification, in accordance with the
10 applicable procedures under section 634A of such Act (22
11 U.S.C. 2394–1), that includes, with respect to such assist-
12 ance, the following:

13 (1) An itemized identification of each foreign
14 country or entity the capabilities of which the assist-
15 ance is intended to support.

16 (2) An identification of the amount, type, and
17 purpose of assistance to be provided to each such
18 country or entity.

19 (3) An assessment of the capacity of each such
20 country or entity to effectively implement, benefit
21 from, or use the assistance to be provided for the in-
22 tended purpose identified under paragraph (2).

23 (4) A description of plans to encourage and
24 monitor adherence to international human rights
25 and humanitarian law by the foreign country or enti-
26 ty receiving the assistance.

1 (5) An identification of any implementers, in-
2 cluding third party contractors or other such enti-
3 ties, and the anticipated timeline for implementing
4 any activities to carry out the assistance.

5 (6) As applicable, a description of plans to sus-
6 tain and account for any military or security equip-
7 ment and subsistence funds provided as an element
8 of the assistance beyond the date of completion of
9 such activities, including the estimated cost and
10 source of funds to support such sustainment.

11 (7) An assessment of how such activities pro-
12 mote the following:

13 (A) The diplomatic and national security
14 objectives of the United States.

15 (B) The objectives and regional strategy of
16 the country or entity receiving the assistance.

17 (C) The priorities of the United States re-
18 garding the promotion of good governance, rule
19 of law, the protection of civilians, and human
20 rights.

21 (D) The peacekeeping capabilities of part-
22 ner countries of the country or entity receiving
23 the assistance, including an explanation if such
24 activities do not support peacekeeping.

1 (8) An assessment of the possible impact of
2 such activities on local political and social dynamics,
3 including a description of any consultations with
4 local civil society.

5 (b) REPORTS ON PROGRAMS UNDER PEACEKEEPING
6 OPERATIONS ACCOUNT.—

7 (1) ANNUAL REPORT.—Not later than 90 days
8 after the enactment of this Act, and annually there-
9 after for 5 years, the Secretary of State shall submit
10 to the appropriate congressional committees a report
11 on any security assistance made available, during
12 the three fiscal years preceding the date on which
13 the report is submitted, to foreign countries that re-
14 ceived assistance authorized under section 551 of the
15 Foreign Assistance Act of 1961 (22 U.S.C. 2348)
16 for any of the following purposes:

17 (A) Building the capacity of the foreign
18 military, border security, or law enforcement
19 entities, of the country.

20 (B) Strengthening the rule of law of the
21 country.

22 (C) Countering violent extremist ideology
23 or recruitment within the country.

24 (2) MATTERS.—Each report under paragraph
25 (1) shall include, with respect to each foreign coun-

1 try that has received assistance as specified in such
2 paragraph, the following:

3 (A) An identification of the authority used
4 to provide such assistance and a detailed de-
5 scription of the purpose of assistance provided.

6 (B) An identification of the amount of
7 such assistance and the program under which
8 such assistance was provided.

9 (C) A description of the arrangements to
10 sustain any equipment provided to the country
11 as an element of such assistance beyond the
12 date of completion of the assistance, including
13 the estimated cost and source of funds to sup-
14 port such sustainment.

15 (D) An assessment of the impact of such
16 assistance on the peacekeeping capabilities and
17 security situation of the country, including with
18 respect to the levels of conflict and violence, the
19 local, political, and social dynamics, and the
20 human rights record, of the country.

21 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congres-
23 sional committees” means—

1 (1) the Committee on Foreign Relations of the
2 Senate and the Committee on Foreign Affairs of the
3 House of Representatives; and

4 (2) the Committees on Appropriations of the
5 Senate and of the House of Representatives.

6 **SEC. 6453. NATIONAL BIODEFENSE SCIENCE AND TECH-**
7 **NOLOGY STRATEGY.**

8 (a) **IN GENERAL.**—Not later than 180 days after the
9 date of enactment of this Act, the Secretary of Health and
10 Human Services, in coordination with the Secretary of Ag-
11 riculture, the Secretary of Defense, and the Secretary of
12 Homeland Security, shall develop an annex to the National
13 Biodefense Strategy under section 1086 of the National
14 Defense Authorization Act for Fiscal Year 2017 (6.
15 U.S.C. 104) for a national biodefense science and tech-
16 nology strategy and implementation plan.

17 (b) **REQUIREMENTS.**—The annex required by sub-
18 section (a) shall—

19 (1) include a mission, goals, and objectives for
20 public and private sector development, procurement,
21 acquisition, and deployment of innovative tech-
22 nologies to address and eliminate biological threats;

23 (2) be informed by an evaluation of science and
24 technology successes and failures in addressing the
25 2019 novel coronavirus (COVID–19) pandemic;

1 (3) address coordination of Federal efforts;

2 (4) address contributions from academia, indus-
3 try, and nongovernmental organizations; and

4 (5) be accompanied by an implementation plan
5 that clearly defines Federal department and agency
6 roles and responsibilities, and includes timeframes
7 for execution.

8 (c) CLASSIFIED APPENDIX.—The annex required by
9 subsection (a) may include a classified appendix.

10 (d) SUBMISSION.—Upon completion of the annex re-
11 quired by subsection (a), the Secretary of Health and
12 Human Services shall submit the annex to—

13 (1) the Committee on Armed Services, the
14 Committee on Energy and Commerce, the Com-
15 mittee on Agriculture, the Committee on Homeland
16 Security, the Committee on Science, Space, and
17 Technology, and the Committee on Appropriations
18 of the House of Representatives; and

19 (2) the Committee on Armed Services, the
20 Committee on Health, Education, Labor, and Pen-
21 sions, the Committee on Agriculture, Nutrition, and
22 Forestry, the Committee on Homeland Security and
23 Governmental Affairs, the Committee on Commerce,
24 Science, and Transportation, and the Committee on
25 Appropriations of the Senate.

1 **SEC. 6454. TICK IDENTIFICATION PILOT PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary of Health and
3 Human Services, acting through the Director of the Cen-
4 ters for Disease Control and Prevention, may award
5 grants to States to implement a tick identification pro-
6 gram.

7 (b) PRIORITY.—In awarding grants under this sec-
8 tion, the Secretary shall give priority to States that—

9 (1) have more reported cases of Lyme disease;
10 and

11 (2) submit an effective plan for implementation
12 and maintenance of a tick identification program.

13 (c) PROGRAM REQUIREMENTS.—Any program fund-
14 ed under this section shall—

15 (1) allow individuals to submit electronically
16 photo images of ticks encountered;

17 (2) require images of ticks to be submitted with
18 the likely geographic location where the ticks were
19 encountered, the date on which the ticks were en-
20 countered, and the likely physical location where the
21 ticks were found (for example, on a pet, on a
22 human, or loose);

23 (3) after review by a qualified professional, re-
24 spond to the individual directly within 72 hours of
25 the image being received with—

1 (A) if possible, identification of the species
2 and life stage of the tick;

3 (B) if possible, an estimate of the risk that
4 the tick carried a tick-borne disease;

5 (C) a recommendation of the best practices
6 for the individual who encountered the tick, in-
7 cluding with respect to seeking medical evalua-
8 tion and submitting the tick for testing; and

9 (D) additional education on best methods
10 to avoid ticks and prevent contagion of tick-
11 borne illnesses; and

12 (4) maintain a database of reported tick inci-
13 dents, including—

14 (A) the date, geographic location, and envi-
15 ronment of the encounter;

16 (B) any identifying information about the
17 tick that was determined; and

18 (C) best practices that were disseminated
19 to each reporting individual.

20 (d) APPLICATION.—To seek a grant under this sec-
21 tion, a State shall submit an application at such time, in
22 such form, and containing such information as the Sec-
23 retary may prescribe.

24 (e) DATA COLLECTION; REPORT.—

1 (1) DATA COLLECTION.—The Secretary shall
2 collect, with respect to each State program funded
3 under this section and each fiscal year, the following
4 data:

5 (A) The number of tick incidents reported.

6 (B) For each incident reported—

7 (i) the date, geographic location, and
8 environment of the encounter;

9 (ii) any identifying information about
10 the tick that was determined; and

11 (iii) best practices that were dissemi-
12 nated to each reporting individual.

13 (2) REPORT.—Not later than 90 days after the
14 first day of each of fiscal years 2022 through 2025,
15 the Secretary shall prepare and submit to the Con-
16 gress a report on the data collected under paragraph
17 (1).

18 (f) DEFINITION.—In this Act:

19 (1) The term “qualified professional” means a
20 biologist with a background in vector biology.

21 (2) The term “Secretary” means the Secretary
22 of Health and Human Services, acting through the
23 Director of the Centers for Disease Control and Pre-
24 vention.

1 **SEC. 6455. PREVENTING SEXUAL HARASSMENT IN PUBLIC**
2 **HOUSING.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Preventing Sexual Harassment in Public Housing Act of
5 2021”.

6 (b) **REQUIREMENT TO ANNUALLY REPORT COM-**
7 **PLAINTS OF SEXUAL HARASSMENT.**—

8 (1) **ANNUAL REPORT.**—Section 808(e)(2) of the
9 Fair Housing Act (42 U.S.C. 3608(e)(2)) is amend-
10 ed—

11 (A) in subparagraph (A) by striking “and”
12 at the end;

13 (B) in subparagraph (B)(iii) by striking
14 the semicolon and inserting “; and”; and

15 (C) by inserting after subparagraph (B)
16 the following new subparagraph:

17 “(C) containing tabulations of the number
18 of instances in the preceding year in which
19 complaints of discriminatory housing practices
20 were filed with the Department of Housing and
21 Urban Development or a fair housing assistance
22 program, including identification of whether
23 each complaint was filed with respect to dis-
24 crimination based on race, color, religion, na-
25 tional origin, sex, handicap, or familial status.”.

1 (2) SEXUAL HARASSMENT.—Section 808 of the
2 Fair Housing Act (42 U.S.C. 3608) is amended by
3 adding at the end the following new subsection:

4 “(g) In carrying out the reporting obligations under
5 this section, the Secretary shall—

6 “(1) consider a complaint filed with respect to
7 discrimination based on sex to include any complaint
8 filed with respect to sexual harassment; and

9 “(2) in reporting the instances of a complaint
10 filed with respect to discrimination based on sex
11 under subsection (e)(2)(C), include a disaggregated
12 tabulation of the total number of such complaints
13 filed with respect to sexual harassment.”.

14 (3) INITIATIVE TO COMBAT SEXUAL HARASS-
15 MENT IN HOUSING.—Title IX of the Fair Housing
16 Act (42 U.S.C. 3631) is amended by adding at the
17 end the following new section:

18 **“SEC. 902. INITIATIVE TO COMBAT SEXUAL HARASSMENT IN**
19 **HOUSING.**

20 “The Attorney General shall establish an initiative to
21 investigate and prosecute an allegation of a violation
22 under this Act with respect to sexual harassment.”.

1 **SEC. 6456. SEMICONDUCTOR PRODUCTION INCENTIVE EX-**
2 **PANSION.**

3 (a) **ADDITIONAL COVERED ENTITIES.**—Section
4 9901(2) of the William M. (Mac) Thornberry National De-
5 fense Authorization Act for Fiscal Year 2021 (Public Law
6 116-283) is amended by striking “relating to fabrication”
7 and all that follows and inserting the following: “relating
8 to—

9 “(1) fabrication, assembly, testing, ad-
10 vanced packaging, or research and development
11 of semiconductors; or

12 “(2) manufacturing, production, or re-
13 search and development of semiconductor man-
14 ufacturing equipment and materials.”.

15 (b) **PROGRAM SCOPE EXPANSION.**—Section
16 9902(a)(1) of the William M. (Mac) Thornberry National
17 Defense Authorization Act for Fiscal Year 2021 (Public
18 Law 116-283) is amended by striking “the United States
19 for” and all that follows and inserting the following: “the
20 United States for—

21 “(1) semiconductor fabrication, assembly,
22 testing, advanced packaging, or research and
23 development; and

24 “(2) the manufacturing, production, or re-
25 search and development of semiconductor man-
26 ufacturing equipment and materials.”.

1 **SEC. 6457. SEMICONDUCTOR PRODUCTION INCENTIVE EX-**
2 **PANSION.**

3 Section 9902(a)(1) of the William M. (Mac) Thorn-
4 berry National Defense Authorization Act for Fiscal Year
5 2021 (Public Law 116-283) is amended by striking “the
6 United States for” and all that follows and inserting the
7 following: “the United States for—

8 “(1) semiconductor fabrication, assembly,
9 testing, advanced packaging, or research and
10 development; and

11 “(2) the manufacturing, production, or re-
12 search and development of semiconductor man-
13 ufacturing equipment and materials.”.

14 **SEC. 6458. AUTHORITY FOR SECRETARY OF HEALTH AND**
15 **HUMAN SERVICES TO ACCEPT UNUSED**
16 **COVID-19 VACCINES FOR POTENTIAL REDIS-**
17 **TRIBUTION.**

18 The Secretary of Health and Human Services may
19 accept, as the Secretary determines appropriate and prac-
20 ticable, the return of an unused COVID-19 vaccine from
21 a Federal agency, State, or other entity, for potential re-
22 distribution, including distribution to a foreign ally or
23 partner.

1 **SEC. 6459. PILOT PROGRAM TO EMPLOY VETERANS IN PO-**
2 **SITIONS RELATING TO CONSERVATION AND**
3 **RESOURCE MANAGEMENT ACTIVITIES.**

4 (a) ESTABLISHMENT.—The Secretary of Veterans
5 Affairs and the Secretaries concerned shall jointly estab-
6 lish a pilot program under which veterans are employed
7 by the Federal Government in positions that relate to the
8 conservation and resource management activities of the
9 Department of the Interior and the Department of Agri-
10 culture.

11 (b) ADMINISTRATION.—The Secretary of Veterans
12 Affairs shall administer the pilot program under sub-
13 section (a).

14 (c) POSITIONS.—The Secretaries concerned shall—

15 (1) identify vacant positions in the respective
16 Departments of the Secretaries that are appropriate
17 to fill using the pilot program under subsection (a);
18 and

19 (2) to the extent practicable, fill such positions
20 using the pilot program.

21 (d) APPLICATION OF CIVIL SERVICE LAWS.—A vet-
22 eran employed under the pilot program under subsection
23 (a) shall be treated as an employee as defined by section
24 2105 of title 5, United States Code.

25 (e) BEST PRACTICES FOR OTHER DEPARTMENTS.—
26 The Secretary of Veterans Affairs shall establish guide-

1 lines containing best practices for departments and agen-
2 cies of the Federal Government that carry out programs
3 to employ veterans who are transitioning from service in
4 the Armed Forces. Such guidelines shall include—

5 (1) lessons learned under the Warrior Training
6 Advancement Course of the Department of Veterans
7 Affairs; and

8 (2) methods to realize cost savings based on
9 such lessons learned.

10 (f) PARTNERSHIP.—The Secretary of Veterans Af-
11 fairs, the Secretaries concerned, and the Secretary of De-
12 fense may enter into a partnership to include the pilot pro-
13 gram under subsection (a) as part of the Skillbridge pro-
14 gram under section 1143 of title 10, United States Code.

15 (g) REPORTS.—

16 (1) INITIAL REPORT.—Not later than 60 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Veterans Affairs and the Secretaries con-
19 cerned shall jointly submit to the appropriate con-
20 gressional committees a report on the pilot program
21 under subsection (a), including—

22 (A) a description of how the pilot program
23 will be carried out in a manner to reduce the
24 unemployment of veterans; and

1 (B) any recommendations for legislative
2 actions to improve the pilot program.

3 (2) IMPLEMENTATION.—Not later than one
4 year after the date on which the pilot program under
5 subsection (a) commences, the Secretary of Veterans
6 Affairs and the Secretaries concerned shall jointly
7 submit to the appropriate congressional committees
8 a report on the implementation of the pilot program.

9 (3) FINAL REPORT.—Not later than 30 days
10 after the date on which the pilot program under sub-
11 section (a) is completed, the Secretary of Veterans
12 Affairs and the Secretaries concerned shall jointly
13 submit to the appropriate congressional committees
14 a report on the pilot program that includes the fol-
15 lowing:

16 (A) The number of veterans who applied to
17 participate in the pilot program.

18 (B) The number of such veterans employed
19 under the pilot program.

20 (C) The number of veterans identified in
21 subparagraph (B) who transitioned to full-time
22 positions with the Federal Government after
23 participating in the pilot program.

1 (D) Any other information the Secretaries
2 determine appropriate with respect to meas-
3 uring the effectiveness of the pilot program.

4 (h) DURATION.—The authority to carry out the pilot
5 program under subsection (a) shall terminate on the date
6 that is two years after the date on which the pilot program
7 commences.

8 (i) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Veterans’ Affairs,
12 the Committee on Agriculture, and the Com-
13 mittee on Natural Resources of the House of
14 Representatives; and

15 (B) the Committee on Veterans’ Affairs,
16 the Committee on Agriculture, Nutrition, and
17 Forestry, and the Committee on Energy and
18 Natural Resources of the Senate.

19 (2) The term “Secretary concerned” means—

20 (A) the Secretary of Agriculture with re-
21 spect to matters regarding the National Forest
22 System and the Department of Agriculture; and

23 (B) the Secretary of the Interior with re-
24 spect to matters regarding the National Park
25 System and the Department of the Interior.

1 **SEC. 6460. USE OF VETERANS WITH MEDICAL OCCUPA-**
2 **TIONS IN RESPONSE TO NATIONAL EMER-**
3 **GENCIES.**

4 (a) UPDATE OF WEB PORTAL TO IDENTIFY VET-
5 ERANS WHO HAD MEDICAL OCCUPATIONS AS MEMBERS
6 OF THE ARMED FORCES.—

7 (1) IN GENERAL.—The Secretary shall update
8 existing web portals of the Department to allow the
9 identification of veterans who had a medical occupa-
10 tion as a member of the Armed Forces.

11 (2) INFORMATION IN PORTAL.—

12 (A) IN GENERAL.—An update to a portal
13 under paragraph (1) shall allow a veteran to
14 elect to provide the following information:

15 (i) Contact information for the vet-
16 eran.

17 (ii) A history of the medical experi-
18 ence and trained competencies of the vet-
19 eran.

20 (B) INCLUSIONS IN HISTORY.—To the ex-
21 tent practicable, histories provided under sub-
22 paragraph (A)(ii) shall include individual crit-
23 ical task lists specific to military occupational
24 specialties that align with existing standard oc-
25 cupational codes maintained by the Bureau of
26 Labor Statistics.

1 (b) PROGRAM ON PROVISION TO STATES OF INFOR-
2 MATION ON VETERANS WITH MEDICAL SKILLS OBTAINED
3 DURING SERVICE IN THE ARMED FORCES.—For purposes
4 of facilitating civilian medical credentialing and hiring op-
5 portunities for veterans seeking to respond to a national
6 emergency, including a public health emergency declared
7 by the Secretary of Health and Human Services under
8 section 319 of the Public Health Service Act (42 U.S.C.
9 247d), the Secretary, in coordination with the Secretary
10 of Defense and the Secretary of Labor, shall establish a
11 program to share information specified in section 3(b)
12 with the following:

- 13 (1) State departments of veterans affairs.
- 14 (2) Veterans service organizations.
- 15 (3) State credentialing bodies.
- 16 (4) State homes.
- 17 (5) Other stakeholders involved in State-level
18 credentialing, as determined appropriate by the Sec-
19 retary.

20 (c) PROGRAM ON TRAINING OF INTERMEDIATE CARE
21 TECHNICIANS OF DEPARTMENT OF VETERANS AF-
22 FAIRS.—

- 23 (1) ESTABLISHMENT.—The Secretary shall im-
24 plement a program to train covered veterans to work
25 as intermediate care technicians of the Department.

1 (2) LOCATIONS.—The Secretary may place an
2 intermediate care technician trained under the pro-
3 gram under paragraph (1) at any medical center of
4 the Department, giving priority to a location with a
5 significant staffing shortage.

6 (3) INCLUSION OF INFORMATION IN TRANSI-
7 TION ASSISTANCE PROGRAM.—As part of the Transi-
8 tion Assistance Program under sections 1142 and
9 1144 of title 10, United States Code, the Secretary
10 shall prepare a communications campaign to convey
11 opportunities for training, certification, and employ-
12 ment under the program under paragraph (1) to ap-
13 propriate members of the Armed Forces separating
14 from active duty.

15 (4) REPORT ON EXPANSION OF PROGRAM.—Not
16 later than 180 days after the date of the enactment
17 of this Act, the Secretary shall submit to Congress
18 a report on whether the program under this section
19 could be replicated for other medical positions within
20 the Department.

21 (5) COVERED VETERAN DEFINED.—In this sub-
22 section, the term “covered veteran” means a veteran
23 whom the Secretary determines served as a basic
24 health care technician while serving in the Armed
25 Forces.

1 (d) NOTIFICATION OF OPPORTUNITIES FOR VET-
2 ERANS.—The Secretary shall notify veterans service orga-
3 nizations and, in coordination with the Secretary of De-
4 fense, members of the reserve components of the Armed
5 Forces of opportunities for veterans under this section.

6 (e) DEFINITIONS.—In this section:

7 (1) DEPARTMENT; SECRETARY; VETERAN.—The
8 terms “Department”, “Secretary”, “State home”,
9 and “veteran” have the meanings given those terms
10 in section 101 of title 38, United States Code.

11 (2) VETERANS SERVICE ORGANIZATION.—The
12 term “veterans service organization” means an orga-
13 nization that provides services to veterans, including
14 organizations recognized by the Secretary of Vet-
15 erans Affairs under section 5902 of title 38, United
16 States Code.

17 **SEC. 6461. CRITICAL TECHNOLOGY SECURITY CENTERS.**

18 (a) CRITICAL TECHNOLOGY SECURITY CENTERS.—
19 Title III of the Homeland Security Act of 2002 (6 U.S.C.
20 181 et seq.) is amended by adding at the end the following
21 new section:

22 **“SEC. 322. CRITICAL TECHNOLOGY SECURITY CENTERS.**

23 “(a) ESTABLISHMENT.—Not later than 180 days
24 after the date of the enactment of this section, the Sec-
25 retary, acting through the Under Secretary for Science

1 and Technology, and in coordination with the Director of
2 the Cybersecurity and Infrastructure Security Agency,
3 shall award grants, contracts, or cooperative agreements
4 to covered entities for the establishment of not fewer than
5 four cybersecurity-focused Critical Technology Security
6 Centers to evaluate and test the security of devices and
7 technologies that underpin national critical functions.

8 “(b) INITIAL CENTERS.—With respect to the critical
9 technology security centers referred to in subsection (a),
10 four of such centers shall be as follows:

11 “(1) The Center for Network Technology Secu-
12 rity, to study the security of information and com-
13 munications technology that underpins national crit-
14 ical functions related to communications.

15 “(2) The Center for Connected Industrial Con-
16 trol System Security, to study the security of con-
17 nected programmable data logic controllers, super-
18 visory control and data acquisition servers, and
19 other networked industrial equipment.

20 “(3) The Center for Open Source Software Se-
21 curity, to study vulnerabilities in open source soft-
22 ware used to support national critical functions.

23 “(4) The Center for Federal Critical Software
24 Security, to study the security of software used by
25 the Federal Government that performs functions

1 critical to trust (such as affording or requiring ele-
2 vated system privileges or direct access to net-
3 working and computing resources).

4 “(c) ADDITIONAL CENTERS.—The Under Secretary
5 may, in coordination with the Director, award grants con-
6 tracts, or cooperative agreements to covered entities for
7 the establishment of additional critical technology security
8 centers to address technologies vital to national critical
9 functions.

10 “(d) SELECTION OF CRITICAL TECHNOLOGIES.—Be-
11 fore awarding a grant, contract, or cooperative agreement
12 to a covered entity to establish a critical technology secu-
13 rity center, the Under Secretary shall consult with the Di-
14 rector, who shall provide the Under Secretary with a list
15 of technologies within the remit of the center that support
16 national critical functions.

17 “(e) RESPONSIBILITIES.—In studying the security of
18 technologies within its remit, each center shall have the
19 following responsibilities:

20 “(1) Conducting rigorous security testing to
21 identify vulnerabilities in such technologies.

22 “(2) Reporting new vulnerabilities found and
23 the tools, techniques, and practices used to uncover
24 them to the developers of such technologies in ques-

1 tion and to the Cybersecurity and Infrastructure Se-
2 curity Agency.

3 “(3) With respect to such technologies, devel-
4 oping new capabilities for vulnerability discovery,
5 management, and mitigation.

6 “(4) Assessing the security of software essential
7 to national critical functions.

8 “(5) Supporting existing communities of inter-
9 est, including by granting funds, in remediating
10 vulnerabilities discovered within such technologies.

11 “(6) Utilizing findings to inform and support
12 the future work of the Cybersecurity and Infrastruc-
13 ture Security Agency.

14 “(f) APPLICATION.—To be eligible to be designed as
15 a critical technology security center pursuant to subsection
16 (a), a covered entity shall submit to the Secretary an ap-
17 plication at such time, in such manner, and including such
18 information as the Secretary may require.

19 “(g) BIENNIAL REPORTS.—Not later than one year
20 after the date of the enactment of this section and every
21 two years thereafter, the Under Secretary shall submit to
22 the appropriate congressional committees a report that in-
23 cludes, with respect to each critical technology security
24 center—

1 “(1) a summary of the work performed by each
2 such center;

3 “(2) information relating to the allocation of
4 Federal funds at each such center;

5 “(3) a description of each vulnerability identi-
6 fied, including information relating to the cor-
7 responding software weakness;

8 “(4) an assessment of the criticality of each
9 vulnerability identified pursuant to paragraph (3);

10 “(5) a list of critical technologies studied by
11 each center, including an explanation by the Under
12 Secretary for any deviations from the list of tech-
13 nologies provided by the Director before the distribu-
14 tion of funding to the center; and

15 “(6) a list of tools, techniques, and procedures
16 used by each such center.

17 “(h) CONSULTATION WITH RELEVANT AGENCIES.—
18 In carrying out this section, the Under Secretary shall
19 consult with the heads of other Federal agencies con-
20 ducting cybersecurity research, to include the following:

21 “(1) The National Institute of Standards and
22 Technology.

23 “(2) The National Science Foundation.

24 “(3) Relevant agencies within the Department
25 of Energy.

1 “(4) Relevant agencies within the Department
2 of Defense.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 “(1) \$40,000,000 for fiscal year 2022;

7 “(2) \$42,000,000 for fiscal year 2023;

8 “(3) \$44,000,000 for fiscal year 2024;

9 “(4) \$46,000,000 for fiscal year 2025; and

10 “(5) \$49,000,000 for fiscal year 2026.

11 “(j) DEFINITIONS.—In this section:

12 “(1) The term ‘appropriate congressional com-
13 mittees’ means—

14 “(A) the Committee on Homeland Security
15 of the House of Representatives; and

16 “(B) the Committee on Homeland Security
17 and Governmental Affairs of the Senate.

18 “(2) The term ‘covered entity’ means a univer-
19 sity, federally funded research and development cen-
20 ter, including national laboratories, or consortia
21 thereof.

22 “(3) The term ‘critical technology’ means tech-
23 nology relating to a national critical function.

24 “(4) The term “open source software” means
25 software for which the human-readable source code

1 is freely available for use, study, re-use, modifica-
2 tion, enhancement, and redistribution by the users
3 of such software.”.

4 (b) IDENTIFICATION OF CERTAIN TECHNOLOGY.—
5 Paragraph (1) of section 2202(e) of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 603(e)) is amended by adding
7 at the end the following new subparagraph:

8 “(S) To identify the technologies within
9 the remits of the Critical Technology Security
10 centers as described in section 322 that are
11 vital to national critical functions.”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item relating to section
15 321 the following new item:

“Sec. 322. Critical Technology Security Centers.”.

16 **SEC. 6462. PILOT PROGRAM ON DOULA SUPPORT FOR VET-**
17 **ERANS.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) There are approximately 2,300,000 women
20 within the veteran population in the United States.

21 (2) The number of women veterans using serv-
22 ices from the Veterans Health Administration has
23 increased by 28.8 percent from 423,642 in 2014 to
24 545,670 in 2019.

1 (3) During the period of 2010 through 2015,
2 the use of maternity services from the Veterans
3 Health Administration increased by 44 percent.

4 (4) Although prenatal care and delivery is not
5 provided in facilities of the Department of Veterans
6 Affairs, pregnant women seek care from the Depart-
7 ment for other conditions may also need emergency
8 care and require coordination of services through the
9 Veterans Community Care Program under section
10 1703 of title 38, United States Code.

11 (5) The number of unique women veteran pa-
12 tients with an obstetric delivery paid for by the De-
13 partment increased by 1,778 percent from 200 deliv-
14 eries in 2000 to 3,756 deliveries in 2015.

15 (6) The number of women age 35 years or older
16 with an obstetric delivery paid for by the Depart-
17 ment increased 16-fold from fiscal year 2000 to fis-
18 cal year 2015.

19 (7) A study in 2010 found that veterans return-
20 ing from Operation Enduring Freedom and Oper-
21 ation Iraqi Freedom who experienced pregnancy
22 were twice as likely to have a diagnosis of depres-
23 sion, anxiety, posttraumatic stress disorder, bipolar
24 disorder, or schizophrenia as those who had not ex-
25 perience a pregnancy.

1 (8) The number of women veterans of reproduc-
2 tive age seeking care from the Veterans Health Ad-
3 ministration continues to grow (more than 185,000
4 as of fiscal year 2015).

5 (b) PROGRAM.—

6 (1) IN GENERAL.—Not later than one year
7 after the date of the enactment of this Act, the Sec-
8 retary of Veterans Affairs shall establish a pilot pro-
9 gram to furnish doula services to covered veterans
10 through eligible entities by expanding the Whole
11 Health model of the Department of Veterans Af-
12 fairs, or successor model, to measure the impact
13 that doula support services have on birth and mental
14 health outcomes of pregnant veterans (in this section
15 referred to as the “pilot program”).

16 (2) CONSIDERATION.—In carrying out the pilot
17 program, the Secretary shall consider all types of
18 doulas, including traditional and community-based
19 doulas.

20 (3) CONSULTATION.—In designing and imple-
21 menting the pilot program the Secretary shall con-
22 sult with stakeholders, including—

23 (A) organizations representing veterans,
24 including veterans that are disproportionately
25 impacted by poor maternal health outcomes;

1 (B) community-based health care profes-
2 sionals, including doulas, and other stake-
3 holders; and

4 (C) experts in promoting health equity and
5 combating racial bias in health care settings.

6 (4) GOALS.—The goals of the pilot program are
7 the following:

8 (A) To improve—

9 (i) maternal, mental health, and in-
10 fant care outcomes;

11 (ii) integration of doula support serv-
12 ices into the Whole Health model of the
13 Department, or successor model; and

14 (iii) the experience of women receiving
15 maternity care from the Department, in-
16 cluding by increasing the ability of a
17 woman to develop and follow her own
18 birthing plan.

19 (B) To reengage veterans with the Depart-
20 ment after giving birth.

21 (c) LOCATIONS.—The Secretary shall carry out the
22 pilot program in—

23 (1) the three Veterans Integrated Service Net-
24 works of the Department that have the highest per-
25 centage of female veterans enrolled in the patient

1 enrollment system of the Department established
2 and operated under section 1705(a) of title 38,
3 United States Code, compared to the total number
4 of enrolled veterans in such Network; and

5 (2) the three Veterans Integrated Service Net-
6 works that have the lowest percentage of female vet-
7 erans enrolled in the patient enrollment system com-
8 pared to the total number of enrolled veterans in
9 such Network.

10 (d) OPEN PARTICIPATION.—The Secretary shall
11 allow any eligible entity or covered veteran interested in
12 participating in the pilot program to participate in the
13 pilot program.

14 (e) SERVICES PROVIDED.—

15 (1) IN GENERAL.—Under the pilot program, a
16 covered veteran shall receive not more than 10 ses-
17 sions of care from a doula under the Whole Health
18 model of the Department, or successor model, under
19 which a doula works as an advocate for the veteran
20 alongside the medical team for the veteran.

21 (2) SESSIONS.—Sessions covered under para-
22 graph (1) shall be as follows:

23 (A) Three or four sessions before labor and
24 delivery.

25 (B) One session during labor and delivery.

1 (C) Three or four sessions after post-
2 partum, which may be conducted via the mobile
3 application for VA Video Connect.

4 (f) ADMINISTRATION OF PILOT PROGRAM.—

5 (1) IN GENERAL.—The Office of Women’s
6 Health of the Department of Veterans Affairs, or
7 successor office, shall—

8 (A) coordinate services and activities under
9 the pilot program;

10 (B) oversee the administration of the pilot
11 program; and

12 (C) conduct onsite assessments of medical
13 facilities of the Department that are partici-
14 pating in the pilot program.

15 (2) GUIDELINES FOR VETERAN-SPECIFIC
16 CARE.—The Office shall establish guidelines under
17 the pilot program for training doulas on military
18 sexual trauma and post traumatic stress disorder.

19 (3) AMOUNTS FOR CARE.—The Office may rec-
20 ommend to the Secretary appropriate payment
21 amounts for care and services provided under the
22 pilot program, which shall not exceed \$3,500 per
23 doula per veteran.

24 (g) DOULA SERVICE COORDINATOR.—

1 (1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Office of Women’s Health, or successor
3 office, shall establish a Doula Service Coordinator
4 within the functions of the Maternity Care Coordi-
5 nator at each medical facility of the Department
6 that is participating in the pilot program.

7 (2) DUTIES.—A Doula Service Coordinator es-
8 tablished under paragraph (1) at a medical facility
9 shall be responsible for—

10 (A) working with eligible entities, doulas,
11 and covered veterans participating in the pilot
12 program; and

13 (B) managing payment between eligible en-
14 tities and the Department under the pilot pro-
15 gram.

16 (3) TRACKING OF INFORMATION.—A doula pro-
17 viding services under the pilot program shall report
18 to the applicable Doula Service Coordinator after
19 each session conducted under the pilot program.

20 (4) COORDINATION WITH WOMEN’S PROGRAM
21 MANAGER.—A Doula Service Coordinator for a med-
22 ical facility of the Department shall coordinate with
23 the women’s program manager for that facility in
24 carrying out the duties of the Doula Service Coordi-
25 nator under the pilot program.

1 (h) TERM OF PILOT PROGRAM.—The Secretary shall
2 conduct the pilot program for a period of 5 years.

3 (i) TECHNICAL ASSISTANCE.—The Secretary shall
4 establish a process to provide technical assistance to eligi-
5 ble entities and doulas participating in the pilot program.

6 (j) REPORT.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, and an-
9 nually thereafter for each year in which the pilot
10 program is carried out, the Secretary shall submit to
11 the Committee on Veterans' Affairs of the Senate
12 and the Committee on Veterans' Affairs of the
13 House of Representatives a report on the pilot pro-
14 gram.

15 (2) FINAL REPORT.—As part of the final report
16 submitted under paragraph (1), the Secretary shall
17 include recommendations on whether the model
18 studied in the pilot program should be continued or
19 more widely adopted by the Department.

20 (k) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary, for
22 each of fiscal years 2022 through 2027, such sums as may
23 be necessary to carry out this section.

24 (l) DEFINITIONS.—In this section:

1 (1) The term “covered veteran” means a preg-
2 nant veteran or a formerly pregnant veteran (with
3 respect to sessions post-partum) who is enrolled in
4 the patient enrollment system of the Department of
5 Veterans Affairs under section 1705 of title 38,
6 United States Code.

7 (2) The term “eligible entity” means an entity
8 that provides medically accurate, comprehensive ma-
9 ternity services to covered veterans under the laws
10 administered by the Secretary, including under the
11 Veterans Community Care Program under section
12 1703 of title 38, United States Code.

13 (3) The term “VA Video Connect” means the
14 program of the Department of Veterans Affairs to
15 connect veterans with their health care team from
16 anywhere, using encryption to ensure a secure and
17 private session.

18 **SEC. 6463. ESTABLISHMENT OF AFGHAN THREAT FINANCE**

19 **CELL.**

20 (a) **ESTABLISHMENT.**—Not later than 90 days after
21 the date of the enactment of this Act, the President shall
22 establish an interagency organization to be known as the
23 “Afghan Threat Finance Cell”.

24 (b) **MISSION.**—The mission of the Afghan Threat Fi-
25 nance Cell shall be to identify, disrupt, and eliminate illicit

1 financial networks in Afghanistan, particularly such net-
2 works involved in narcotics trafficking, illicit financial
3 transactions, official corruption, and terrorist networks.

4 (c) ORGANIZATION.—

5 (1) MEMBERSHIP.—The Afghan Threat Fi-
6 nance Cell shall consist of representatives from ele-
7 ments of the United States Government as follows:

8 (A) The Department of the Treasury.

9 (B) The Drug Enforcement Administra-
10 tion.

11 (C) The Department of State.

12 (D) The Department of Defense.

13 (E) The Federal Bureau of Investigation.

14 (F) The Internal Revenue Service.

15 (G) The Department of Homeland Secu-
16 rity.

17 (H) The Defense Intelligence Agency.

18 (I) The Office of Foreign Assets Control of
19 the Department of the Treasury.

20 (J) The Central Intelligence Agency.

21 (K) Any other law enforcement agency or
22 element of the intelligence community that the
23 Secretary of the Treasury, the Administrator of
24 the Drug Enforcement Administration, and the

1 Secretary of Defense jointly determine appro-
2 priate.

3 (2) LEAD AGENCIES.—The Department of the
4 Treasury shall serve as the lead agency of the Af-
5 ghan Threat Finance Cell. The Drug Enforcement
6 Administration and the Department of Defense shall
7 serve as the co-deputy lead agencies of the Afghan
8 Threat Finance Cell.

9 (d) COORDINATION.—The Afghan Threat Finance
10 Cell shall regularly coordinate and consult with regional
11 Financial Intelligence Units, the international Financial
12 Action Task Force, and the Special Inspector General for
13 Afghanistan Reconstruction.

14 (e) BRIEFINGS.—

15 (1) REQUIREMENT.—Not later than one year
16 after the date of the enactment of this Act, and an-
17 nually thereafter, the Afghan Threat Finance Cell
18 shall provide to the appropriate congressional com-
19 mittees a briefing on the activities of the Afghan
20 Threat Finance Cell.

21 (2) MATTERS INCLUDED.—Each briefing under
22 paragraph (1) shall include the following:

23 (A) An assessment of the activities under-
24 taken by, and the effectiveness of, the Afghan
25 Threat Finance Cell in identifying, disrupting,

1 eliminating illicit financial networks in Afghani-
2 stan, particularly such networks involved in
3 narcotics trafficking, illicit financial trans-
4 actions, official corruption, and terrorist net-
5 works.

6 (B) Any recommendations to Congress re-
7 garding legislative or regulatory improvements
8 necessary to support the identification, disrup-
9 tion, and elimination of illicit financial networks
10 in Afghanistan.

11 (3) FORM.—A briefing under paragraph (1)
12 may be provided in a classified form.

13 (4) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES DEFINED.—In this subsection, the term “ap-
15 propriate congressional committees” means—

16 (A) The Committee on Financial Services,
17 the Committee on Reform, the Committee on
18 the Judiciary, and the Committee on Armed
19 Services of the House of Representatives.

20 (B) The Committee on Banking, Housing,
21 and Urban Affairs, the Committee on Home-
22 land Security and Governmental Affairs, the
23 Committee on the Judiciary, and the Com-
24 mittee on Armed Services of the Senate.

25 (f) TERMINATION.—

1 (1) IN GENERAL.—Except as provided by para-
2 graph (2), the Afghan Threat Finance Cell shall ter-
3 minate on the date that is three years after the date
4 of the enactment of this Act.

5 (2) EXTENSION.—The President may extend
6 the date under paragraph (1) by an additional two
7 years.

8 **SEC. 6464. DETERMINATION OF POTENTIAL GENOCIDE OR**
9 **CRIMES AGAINST HUMANITY IN ETHIOPIA.**

10 (a) IN GENERAL.—Not later than 60 days after the
11 date of the enactment of this Act, the Secretary of State,
12 after consultation with the heads of other Federal depart-
13 ments and agencies represented on the Atrocity Early
14 Warning Task Force and with representatives of human
15 rights organizations, shall submit to the appropriate con-
16 gressional committees a determination whether actions in
17 the Tigray region of Ethiopia by the Ethiopian and Eri-
18 trean armed forces constitute genocide as defined in sec-
19 tion 1091 of title 18, United States Code, or crimes
20 against humanity.

21 (b) FORM.—The determination required under sub-
22 section (a) shall be submitted in unclassified form and
23 published on a publicly available website of the Depart-
24 ment of State, but may include a classified annex if such

1 annex is provided separately from the unclassified deter-
2 mination.

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

4 For purposes of this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the Committee on Foreign Affairs, the
7 Committee on Armed Services, and the Committee
8 on Appropriations of the House of Representatives;
9 and

10 (2) the Committee on Foreign Relations, the
11 Committee on Armed Services, and the Committee
12 on Appropriations of the Senate.

13 **SEC. 6465. ATTORNEY GENERAL REPORT ON WAR CRIMES**
14 **AND TORTURE BY UNITED STATES CITIZENS**
15 **IN LIBYA.**

16 (a) REPORT.—Not later than 180 days after receiv-
17 ing a credible allegation of the commission of a covered
18 offense, including from a nongovernmental organization
19 that monitors violations of human rights, the Secretary
20 of State, in consultation with the Attorney General, shall
21 submit to the appropriate congressional committees a re-
22 port on such allegations, including a determination as to
23 whether the Attorney General will review or consider re-
24 viewing such allegation for potential criminal investiga-
25 tion, and a description of any challenges to prosecution.

1 (b) DEFINITIONS.—In this section:

2 (1) The term “appropriate congressional com-
3 mittees” means the Committees on the Judiciary of
4 the House of Representatives and of the Senate, the
5 Committees on Armed Services of the House of Rep-
6 resentatives and of the Senate, the Committee on
7 Foreign Affairs of the House of Representatives,
8 and the Committee on Foreign Relations of the Sen-
9 ate.

10 (2) The term “covered offense” means an of-
11 fense under section 2441, 2442, or 2340A of title
12 18, United States Code, committed in Libya by or
13 at the order of a United States citizen.

14 **SEC. 6466. REVIEW OF IMPLEMENTATION OF UNITED**
15 **STATES SANCTIONS WITH RESPECT TO VIO-**
16 **LATORS OF THE ARMS EMBARGO ON LIBYA.**

17 (a) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the President shall submit
19 to the appropriate congressional committees an unclassi-
20 fied report that describes whether the President has deter-
21 mined the persons described in subsection (b) meet the
22 criteria for the imposition of sanctions under section 1(a)
23 of Executive Order 13726 (81 Fed. Reg. 23559; relating
24 to blocking property and suspending entry into the United
25 States of persons contributing to the situation in Libya).

1 (b) PERSONS.—For purposes of the determination re-
2 quired under subsection (a), the President shall consider
3 all private companies listed for facilitating violations of the
4 United Nations arms embargo on Libya in the report of
5 the United Nations Panel of Experts entitled “Letter
6 dated 8 March 2021 from the Panel of Experts on Libya
7 established pursuant to resolution 1973 (2011) addressed
8 to the President of the Security Council”, including the
9 following:

10 (1) Maritime vessels, including MV Pray, MV
11 Bana, MV Cirkin, MV Gulf Petroleum 4, MV Single
12 Eagle, and MV Sunrise Ace.

13 (2) Corporate facilitators of arms embargo vio-
14 lations, including Lancaster 6 DMCC, L-6 FZE,
15 and Opus Capital Asset Limited FZE.

16 (3) Aircraft operators, including Sovereign
17 Charterers Limited, Zet Avia LLC, Sky Avia Trans
18 LLC, Panzer Logistics Limited, Deek Aviation FZE,
19 Jenis Air LLC, and Space Cargo Incorporated.

20 (4) Mercenary recruiters and facilitators, in-
21 cluding Black Shield Security Services.

22 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

1 (1) the Committee on Foreign Affairs and the
2 Committee on Financial Services of the House of
3 Representatives; and

4 (2) the Committee on Foreign Relations and
5 the Committee on Banking, Housing, and Urban Af-
6 fairs of the Senate.

7 **SEC. 6467. PROHIBITION OF FEDERAL FUNDING FOR IN-**
8 **DUCED OR REQUIRED UNDERMINING OF SE-**
9 **CURITY OF CONSUMER COMMUNICATIONS**
10 **GOODS.**

11 (a) PROHIBITION.—None of the funds made available
12 in this or any other Act may be used by any Federal agen-
13 cy to require, support, pay, or otherwise induce any pri-
14 vate sector provider of consumer software and hardware
15 to—

16 (1) intentionally add any security vulnerability
17 or weaken or omit any safeguard in the standards,
18 items, or services of the provider;

19 (2) remove or omit any information security
20 function, mechanism, service, or solution from the
21 items or services of the provider; or

22 (3) take any action that—

23 (A) undermines, circumvents, defeats, by-
24 passes, or otherwise counteracts the end-to-end

1 encryption of the item or service of the pro-
2 vider;

3 (B) prevents an item or service from
4 adopting end-to-end encryption; or

5 (C) otherwise makes an unencrypted
6 version of the end-to-end encrypted content of
7 any communication, file, or data of the item or
8 service of the provider available to any person
9 or entity other than the intended recipients.

10 (b) FEDERAL AGENCY DEFINED.—In this section,
11 the term “Federal agency” means any executive depart-
12 ment, military department, Government corporation, Gov-
13 ernment controlled corporation, or other establishment in
14 the executive branch of the Government (including the Ex-
15 ecutive Office of the President), or any independent regu-
16 latory agency.

17 **SEC. 6468. ANNUAL REPORT ON SURVEILLANCE SALES TO**
18 **REPRESSIVE GOVERNMENTS.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, and annually thereafter
21 until 2040, the Secretary of State, in coordination with
22 the Director of National Intelligence, shall submit to the
23 Committee on Foreign Affairs and Permanent Select
24 Committee on Intelligence of the House of Representatives
25 and the Committee on Foreign Relations and the Select

1 Committee on Intelligence of the Senate a report with re-
2 spect to foreign persons that the Secretary determines—

3 (1) have operated, sold, leased, or otherwise
4 provided, directly or indirectly, items or services re-
5 lated to targeted digital surveillance to—

6 (A) a foreign government or entity located
7 primarily inside a foreign country where a rea-
8 sonable person would assess that such transfer
9 could result in a use of the items or services in
10 a manner contrary to human rights; or

11 (B) a country including any governmental
12 unit thereof, entity, or other person determined
13 by the Secretary of State in a notice published
14 in the Federal Register to have used items or
15 services for targeted digital surveillance in a
16 manner contrary to human rights; or

17 (2) have materially assisted, sponsored, or pro-
18 vided financial, material, or technological support
19 for, or items or services to or in support of, the ac-
20 tivities described in paragraph (1).

21 (b) MATTERS TO BE INCLUDED.—The report re-
22 quired by subsection (a) shall include the following:

23 (1) The name of each foreign person that the
24 Secretary determines meets the requirements of sub-
25 section (a)(1) or (a)(2).

1 (2) The name of each intended and actual re-
2 recipient of items or services described in subsection
3 (a).

4 (3) A detailed description of such items or serv-
5 ices.

6 (4) An analysis of the appropriateness of in-
7 cluding the persons listed in (b)(1) on the entity list
8 maintained by the Bureau of Industry and Security.

9 (c) CONSULTATION.—In compiling data and making
10 assessments for the purposes of preparing the report re-
11 quired by subsection (a), the Secretary of State shall con-
12 sult with a wide range of organizations, including with re-
13 spect to—

14 (1) classified and unclassified information pro-
15 vided by the Director of National Intelligence;

16 (2) information provided by the Bureau of De-
17 mocracy, Human Rights, and Labor’s Internet Free-
18 dom, Business and Human Rights section;

19 (3) information provided by the Department of
20 Commerce, including the Bureau of Industry and
21 Security;

22 (4) information provided by the advisory com-
23 mittees established by the Secretary to advise the
24 Under Secretary of Commerce for Industry and Se-
25 curity on controls under the Export Administration

1 Regulations, including the Emerging Technology and
2 Research Advisory Committee; and

3 (5) information on human rights and tech-
4 nology matters, as solicited from civil society and
5 human rights organizations through regular consult-
6 ative processes; and

7 (6) information contained in the Country Re-
8 ports on Human Rights Practices published annually
9 by the Department of State.

10 (d) FORM AND PUBLIC AVAILABILITY OF REPORT.—

11 The report required by subsection (a) shall be submitted
12 in unclassified form. The report shall be posted by the
13 President not later than 14 days after being submitted
14 to Congress on a text-based, searchable, and publicly avail-
15 able internet website.

16 (e) DEFINITIONS.—In this section:

17 (1) TARGETED DIGITAL SURVEILLANCE.—The
18 term “targeted digital surveillance” means the use
19 of items or services that enable an individual or enti-
20 ty to detect, monitor, intercept, collect, exploit, pre-
21 serve, protect, transmit, retain, or otherwise gain ac-
22 cess to the communications, protected information,
23 work product, browsing data, research, identifying
24 information, location history, or online and offline
25 activities of other individuals, organizations, or enti-

1 ties, with or without the explicit authorization of
2 such individuals, organizations, or entities.

3 (2) FOREIGN PERSON.—The term “foreign per-
4 son” means an individual or entity that is not a
5 United States person.

6 (3) IN A MANNER CONTRARY TO HUMAN
7 RIGHTS.—The term “in a manner contrary to
8 human rights”, with respect to targeted digital sur-
9 veillance, means engaging in targeted digital surveil-
10 lance—

11 (A) in violation of basic human rights, in-
12 cluding to silence dissent, sanction criticism,
13 punish independent reporting (and sources for
14 that reporting), manipulate or interfere with
15 democratic or electoral processes, persecute mi-
16 norities or vulnerable groups, or target advo-
17 cates or practitioners of human rights and
18 democratic rights (including activists, journal-
19 ists, artists, minority communities, or opposi-
20 tion politicians); or

21 (B) in a country in which there is lacking
22 a minimum legal framework governing its use,
23 including established—

- 1 (i) authorization under laws that are
2 accessible, precise, and available to the
3 public;
- 4 (ii) constraints limiting its use under
5 principles of necessity, proportionality, and
6 legitimacy;
- 7 (iii) oversight by bodies independent
8 of the government's executive agencies;
- 9 (iv) involvement of an independent
10 and impartial judiciary branch in author-
11 izing its use; or
- 12 (v) legal remedies in case of abuse.

13 **SEC. 6469. REVIEW OF SANCTIONS WITH RESPECT TO RUS-**
14 **SIAN KLEPTOCRATS AND HUMAN RIGHTS**
15 **ABUSERS.**

16 (a) DETERMINATION WITH RESPECT TO IMPOSITION
17 OF SANCTIONS.—Not later than 180 days after the date
18 of the enactment of this Act, the President shall submit
19 to the appropriate congressional committees a determina-
20 tion, including a detailed justification, of whether any per-
21 son listed in subsection (b) meets the criteria for the impo-
22 sition of sanctions pursuant to section 1263(b) of the
23 Global Magnitsky Human Rights Accountability Act (sub-
24 title F of title XII of Public Law 114–328; 22 U.S.C.
25 2656).

1 (b) PERSONS LISTED.—The persons listed in this
2 subsection, which include Russian persons and current
3 and former Russian government officials, are the fol-
4 lowing:

5 (1) Roman Abramovich, businessman.

6 (2) Denis Bortnikov, Deputy President and
7 Chairman of the Management Board of VTB Bank.

8 (3) Andrey Kostin, President and Chairman of
9 the Management Board of VTB Bank.

10 (4) Dmitry Patrushev, Minister of Agriculture.

11 (5) Igor Shuvalov, Chairman of the State De-
12 velopment Corporation VEB.

13 (6) Alisher Usmanov, businessman.

14 (7) Oleg Deripaska, businessman.

15 (8) Alexei Miller, Chairman of the Management
16 Committee of Gazprom.

17 (9) Igor Sechin, Chairman of the Management
18 Board of Rosneft.

19 (10) Gennady Timchenko, businessman.

20 (11) Nikolai Tokarev, Chairman of Transneft.

21 (12) Andrey Vorobyev, Governor of the Moscow
22 Region XIII.

23 (13) Mikhail Murashko, Minister of Health.

24 (14) Vladimir Solovyev, media personality.

1 (15) Alexander Bastrykin, Head of the Inves-
2 tigative Committee.

3 (16) Alexander Bortnikov, Director of the Fed-
4 eral Security Service (FSB).

5 (17) Konstantin Ernst, Chief Executive Officer
6 of Channel One TV station.

7 (18) Victor Gavrilov, Head of the Department
8 of Transport of the Economic Security Service.

9 (19) Dmitry Ivanov, Head of Chelyabinsk FSB.

10 (20) Alexander Kalashnikov, Director of the
11 Federal Penitentiary Service (FSIN).

12 (21) Sergei Kirienko, First Deputy Head of the
13 Presidential Administration.

14 (22) Elena Morozova, Judge of Khimki District
15 Court.

16 (23) Denis Popov, Chief Prosecutor of Moscow.

17 (24) Margarita Simonyan, Editor-in-Chief of
18 RT.

19 (25) Igor Yanchuk, Head of the Khimki Police
20 Department.

21 (26) Victor Zolotov, Director of the National
22 Guard.

23 (27) Alexander Beglov, Governor of St. Peters-
24 burg.

25 (28) Yuri Chaika, former Prosecutor General.

1 (29) Andrei Kartapolov, Deputy Defense Min-
2 ister.

3 (30) Pavel Krashennikov, Parliamentarian
4 and former Justice Minister.

5 (31) Mikhail Mishustin, Prime Minister of Rus-
6 sia.

7 (32) Ella Pamfilova, Head of Central Electoral
8 Commission.

9 (33) Dmitry Peskov, Presidential Press Sec-
10 retary.

11 (34) Sergei Sobyenin, Mayor of Moscow.

12 (35) Anton Vaino, Head of the Presidential Ad-
13 ministration.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
15 FINED.—In this section, the term “appropriate congres-
16 sional committees” means—

17 (1) the Committee on Foreign Affairs and the
18 Committee on Financial Services of the House of
19 Representatives; and

20 (2) the Committee on Foreign Relations and
21 the Committee on Banking, Housing, and Urban Af-
22 fairs of the Senate.

1 **SEC. 6470. MODIFICATIONS TO AND REAUTHORIZATION OF**
2 **SANCTIONS WITH RESPECT TO HUMAN**
3 **RIGHTS VIOLATIONS.**

4 (a) **DEFINITIONS.**—Section 1262 of the Global
5 Magnitsky Human Rights Accountability Act (Subtitle F
6 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)
7 is amended by striking paragraph (2).

8 (b) **SENSE OF CONGRESS.**—The Global Magnitsky
9 Human Rights Accountability Act (Subtitle F of title XII
10 of Public Law 114–328; 22 U.S.C. 2656 note) is amended
11 by inserting after section 1262 the following new section:
12 **“SEC. 1262A. SENSE OF CONGRESS.**

13 “It is the sense of Congress that the President should
14 establish and regularize information sharing and sanc-
15 tions-related decision making with like-minded govern-
16 ments possessing human rights and anti-corruption sanc-
17 tions programs similar in nature to those authorized under
18 this subtitle.”.

19 (c) **IMPOSITION OF SANCTIONS.**—

20 (1) **IN GENERAL.**—Subsection (a) of section
21 1263 of the Global Magnitsky Human Rights Ac-
22 countability Act (Subtitle F of title XII of Public
23 Law 114–328; 22 U.S.C. 2656 note) is amended to
24 read as follows:

25 “(a) **IN GENERAL.**—The President may impose the
26 sanctions described in subsection (b) with respect to—

1 “(1) any foreign person that the President de-
2 termines, based on credible information—

3 “(A) is responsible for or complicit in, or
4 has directly or indirectly engaged in, serious
5 human rights abuse or any violation of inter-
6 nationally recognized human rights;

7 “(B) is a current or former government of-
8 ficial, or a person acting for or on behalf of
9 such an official, who is responsible for or
10 complicit in, or has directly or indirectly en-
11 gaged in—

12 “(i) corruption; or

13 “(ii) the transfer or facilitation of the
14 transfer of the proceeds of corruption;

15 “(C) is or has been a leader or official of—

16 “(i) an entity, including a government
17 entity, that has engaged in, or whose mem-
18 bers have engaged in, any of the activities
19 described in subparagraph (A) or (B) re-
20 lated to the tenure of the leader or official;
21 or

22 “(ii) an entity whose property and in-
23 terests in property are blocked pursuant to
24 this section as a result of activities related
25 to the tenure of the leader or official;

1 “(D) has materially assisted, sponsored, or
2 provided financial, material, or technological
3 support for, or goods or services to or in sup-
4 port of—

5 “(i) an activity described in subpara-
6 graph (A) or (B) that is conducted by a
7 foreign person;

8 “(ii) a person whose property and in-
9 terests in property are blocked pursuant to
10 this section; or

11 “(iii) an entity, including a govern-
12 ment entity, that has engaged in, or whose
13 members have engaged in, an activity de-
14 scribed in subparagraph (A) or (B) con-
15 ducted by a foreign person; or

16 “(E) is owned or controlled by, or acts or
17 is purported to act for or on behalf of, directly
18 or indirectly, a person whose property and in-
19 terests in property are blocked pursuant to this
20 section.”.

21 (2) CONSIDERATION OF CERTAIN INFORMA-
22 TION.—Subsection (c)(2) of such section is amended
23 by inserting “corruption and” after “monitor”.

24 (3) REQUESTS BY CONGRESS.—Subsection (d)
25 of such section is amended—

1 (A) in paragraph (1), in the matter pre-
2 ceding subparagraph (A), by striking “sub-
3 section (a)” and inserting “subsection (a)(1)”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A)—

6 (I) in the subparagraph heading,
7 by striking “HUMAN RIGHTS VIOLA-
8 TIONS” and inserting “SERIOUS
9 HUMAN RIGHTS ABUSE OR VIOLA-
10 TIONS OF INTERNATIONALLY RECOG-
11 NIZED HUMAN RIGHTS”; and

12 (II) by striking “described in
13 paragraph (1) or (2) of subsection
14 (a)” and inserting “described in sub-
15 section (a)(1) relating to serious
16 human rights abuse or any violation
17 of internationally recognized human
18 rights”; and

19 (ii) in subparagraph (B)—

20 (I) in the matter preceding clause
21 (i), by striking “described in para-
22 graph (3) or (4) of subsection (a)”
23 and inserting “described in subsection
24 (a)(1) relating to corruption or the

1 transfer or facilitation of the transfer
2 of the proceeds of corruption”; and

3 (II) by striking “ranking member
4 of” and all that follows through the
5 period at the end and inserting “rank-
6 ing member of one of the appropriate
7 congressional committees”.

8 (d) REPORTS TO CONGRESS.—Section 1264(a) of the
9 Global Magnitsky Human Rights Accountability Act (Sub-
10 title F of title XII of Public Law 114–328; 22 U.S.C.
11 2656 note) is amended—

12 (1) in paragraph (5), by striking “; and” and
13 inserting a semicolon;

14 (2) in paragraph (6), by striking the period at
15 the end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(7) a description of additional steps taken by
18 the President through diplomacy, international en-
19 gagement, and assistance to foreign or security sec-
20 tors to address persistent underlying causes of seri-
21 ous human rights abuse, violations of internationally
22 recognized human rights, and corruption in each
23 country in which foreign persons with respect to
24 which sanctions have been imposed under section
25 1263 are located; and

1 “(8) a description of additional steps taken by
2 the President to ensure the pursuit of judicial ac-
3 countability in appropriate jurisdictions with respect
4 to those foreign persons subject to sanctions under
5 section 1263 for serious human rights abuse, viola-
6 tions of internationally recognized human rights,
7 and corruption.”.

8 (e) REPEAL OF SUNSET.—Section 1265 of the Global
9 Magnitsky Human Rights Accountability Act (Subtitle F
10 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)
11 is repealed.

12 **SEC. 6471. SENSE OF CONGRESS WITH RESPECT TO THE**
13 **PRODUCTION OF BASELOAD POWER IN THE**
14 **UNITED STATES.**

15 It is the sense of Congress that having access to a
16 secure and reliable supply of firm, baseload power pro-
17 duced in the United States, including power generated
18 from coal, natural gas, oil, and nuclear sources, is critical
19 to United States national security interests.

20 **SEC. 6472. STRATEGY AND REPORTING RELATED TO**
21 **UNITED STATES ENGAGEMENT IN SOMALIA.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this Act, the Secretary of State
24 and the Secretary of Defense, in consultation with the Ad-
25 ministrators of the United States Agency for International

1 Development and other relevant Federal department and
2 agencies, shall develop and submit a strategy for advanc-
3 ing United States diplomatic, humanitarian, development,
4 counterterrorism, and regional security priorities in Soma-
5 lia that includes a detailed outline of United States na-
6 tional security interests and policy objectives in Somalia.

7 (b) ELEMENTS.—The strategy required by subsection
8 (a) shall include the following:

9 (1) An assessment of the United States diplo-
10 matic and defense footprint in Somalia and a related
11 plan to continue diplomatic, humanitarian, develop-
12 ment, counterterrorism and security cooperation
13 with the federal Government of Somalia, and re-
14 gional security cooperation with partners and allies
15 in the region, including consideration of the impact
16 of reducing the presence of the United States Armed
17 Forces, African Union Mission in Somalia
18 (AMISOM) forces, and other foreign forces contrib-
19 uting to security in Somalia.

20 (2) A comprehensive assessment of the terrorist
21 threat in Somalia posed by al-Shabaab and the So-
22 malia-based Islamic State affiliate ISIS-Somalia, in-
23 cluding each group's:

24 (A) capacity to strike the United States
25 homeland and United States persons and inter-

1 ests in the region or elsewhere, and the threat
2 posed to other countries in the East Africa re-
3 gion and beyond;

4 (B) major sources of revenue and capacity
5 to raise funds and recruit from the United
6 States and elsewhere, including illicit and licit
7 activities used to fund operations and financial
8 flows originating from outside of Somalia; and

9 (C) connectivity to and relationship with
10 other terrorist affiliates, including linkages to
11 Al Qaida and the Islamic State, and their re-
12 spective senior leaders.

13 (3) An overview of ongoing and planned efforts,
14 including a detailed breakdown of United States for-
15 eign assistance, to—

16 (A) build the capacity of the federal Gov-
17 ernment of Somalia, federal members states,
18 and their respective civilian security, defense,
19 criminal justice and law enforcement, financial,
20 and other institutions, including through sup-
21 port for completing the constitutional review
22 process;

23 (B) degrade Al-Shabaab and ISIS in So-
24 malia, counter terrorist financing and recruit-
25 ment, rehabilitate and reintegrate terrorist

1 fighters, improve border security, judicial capac-
2 ity, and anti-corruption efforts, and political,
3 economic, and social reforms in Somalia, includ-
4 ing an evaluation of the effectiveness of these
5 activities to date; and

6 (C) provide emergency and non-emergency
7 humanitarian and development assistance
8 throughout Somalia, including an overview of
9 the United States's use of third party moni-
10 toring, partner vetting, and other risk mitiga-
11 tion measures for the provision of assistance in
12 security restrictive environments, as appro-
13 priate.

14 (4) A plan to enhance diplomatic engagement
15 and other initiatives in Somalia to address pro-
16 tracted political crises and tensions between the fed-
17 eral Government of Somalia and its member states,
18 delayed electoral processes, and increasing govern-
19 ance challenges, including an assessment of Soma-
20 lia's internal and regional political dynamics and the
21 role of United States and other foreign partner en-
22 gagement on these dynamics.

23 (5) An analysis of foreign influence over the
24 federal Government of Somalia and federal member
25 states, including external actor objectives and an as-

1 assessment of non-United States financial assistance
2 and financial contributions to Somali officials and
3 institutions.

4 (6) An analysis of the economic situation in So-
5 malia, including ongoing debt relief efforts, remain-
6 ing external debt, efforts to improve revenue sharing
7 among the central government and member states
8 and advance other economic reforms, and measures
9 such as domestic and international sanctions de-
10 signed to hold accountable those involved in corrup-
11 tion, human rights abuses, and other activities to
12 undermine state and international institutions.

13 (7) A plan to address state fragility and drivers
14 of terrorist recruitment, including efforts to promote
15 economic growth and human development, improve
16 conflict resolution and governance capacity, counter
17 foreign propaganda and disinformation, combat cor-
18 ruption and support development needs of local com-
19 munities, including through rehabilitation, reintegra-
20 tion, and reconciliation.

21 (8) A detailed breakdown of United States as-
22 sistance to support the training, equipping, advising,
23 assisting, and accompanying of Somali forces and
24 those forces aligned with the troop contributing
25 countries of AMISOM during last five fiscal years.

1 (c) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act, the Secretary of Defense and
3 the Secretary of State, in coordination with other relevant
4 Federal department and agencies as deemed necessary,
5 shall submit to appropriate congressional committees a re-
6 port related to recent events in Somalia, that includes the
7 following:

8 (1) A detailed account of the January 2020 ter-
9 rorist attack, including an assessment of the role
10 United-States-trained-and-equipped Kenyan forces
11 had in countering the attack and if and how this at-
12 tack and others shaped United States decisions sur-
13 rounding the United States strategy in Somalia and
14 elsewhere in East Africa.

15 (2) An assessment of how the January 2021
16 United States military retrograde from or repo-
17 sitioning in Somalia affected United States capacity
18 to achieve policy objectives, including those sur-
19 rounding diplomatic security and the implementation
20 of a range of United States-funded programs and
21 activities that have commenced or were planned,
22 such as humanitarian assistance, good governance
23 initiatives, and human rights promotion.

1 (3) An assessment of the legal authorities justifi-
2 fying unilateral direct action against terrorist tar-
3 gets in Somalia.

4 (d) ANNUAL UPDATE.—Not later than 1 year after
5 the submission of the strategy required under subsection
6 (a), and annually thereafter for 3 years, the Secretary of
7 State and Secretary of Defense, in consultation with the
8 Administrator of the United States Agency for Inter-
9 national Development, shall jointly submit to the appro-
10 priate congressional committees an update on implementa-
11 tion of the strategy and an evaluation of progress toward
12 achieving United States national security interests and
13 policy objectives in Somalia.

14 (e) FORM.—Each report required by this section shall
15 be submitted in unclassified form but may include a classi-
16 fied annex.

17 (f) APPROPRIATE CONGRESSIONAL COMMITTEES.—
18 In this section, the term “appropriate congressional com-
19 mittees” means—

20 (1) the Committee on Foreign Affairs, the
21 Committee on Armed Services, and the Committee
22 on Appropriations of the House of Representatives;
23 and

1 (2) the Committee on Foreign Relations, the
2 Committee on Armed Services, and the Committee
3 on Appropriations of the Senate.

4 **SEC. 6473. PROHIBITION ON CONTRIBUTIONS TO SUPPORT**
5 **THE G5 SAHEL JOINT FORCE.**

6 No Federal funds may be authorized to be appro-
7 priated or otherwise made available for assessed contribu-
8 tions to the United Nations that support the Joint Force
9 of the Group of Five for the Sahel, also known as the G5
10 Sahel Joint Force, as comprised on the date of the enact-
11 ment of this Act or any future iterations thereof, to pro-
12 tect the integrity of Chapter VII of the United Nations
13 Charter (Action with Respect to Threats to the Peace,
14 Breaches of the Peace, and Acts of Aggression).

15 **SEC. 6474. MENSTRUAL PRODUCTS IN PUBLIC BUILDINGS.**

16 (a) **REQUIREMENT.**—Each appropriate authority
17 shall ensure that menstrual products are stocked in, and
18 available free of charge in, each covered restroom in each
19 covered public building under the jurisdiction of such au-
20 thority.

21 (b) **DEFINITIONS.**—In this section:

22 (1) **APPROPRIATE AUTHORITY.**—The term “ap-
23 propriate authority” means the head of a Federal
24 agency, the Architect of the Capitol, or other official

1 authority responsible for the operation of a covered
2 public building.

3 (2) COVERED PUBLIC BUILDING.—The term
4 “covered public building” means a public building,
5 as defined in section 3301 of title 40, United States
6 Code, that is open to the public and contains a pub-
7 lic restroom, and includes a building listed in section
8 6301 or 5101 of such title.

9 (3) COVERED RESTROOM.—The term “covered
10 restroom” means a restroom in a covered public
11 building, except for a restroom designated solely for
12 use by men.

13 (4) MENSTRUAL PRODUCTS.—The term “men-
14 strual products” means sanitary napkins and tam-
15 pons that conform to applicable industry standards.

16 **SEC. 6475. DEPARTMENT OF VETERANS AFFAIRS AWARE-**
17 **NESS CAMPAIGN ON FERTILITY SERVICES.**

18 (a) AWARENESS CAMPAIGN.—The Secretary of Vet-
19 erans Affairs shall conduct an awareness campaign re-
20 garding the types of fertility treatments, procedures, and
21 services covered under the medical benefits package of the
22 Department of Veterans Affairs that are available to vet-
23 erans experiencing issues with fertility.

24 (b) MODES OF OUTREACH.—In carrying out sub-
25 section (a), the Secretary shall ensure that a variety of

1 modes of outreach are incorporated into the awareness
2 campaign under such subsection, taking into consideration
3 the age range of the veteran population.

4 (c) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary shall submit
6 to the appropriate congressional committees a report that
7 includes a summary of the actions that have been taken
8 to implement the awareness campaign under subsection
9 (a) and how the Secretary plans to better engage women
10 veterans, to ensure awareness of such veterans regarding
11 covered fertility services available.

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the Committees on Armed Services of the
16 House of Representatives and the Senate; and

17 (2) the Committees on Veterans’ Affairs of the
18 House of Representatives and the Senate.

19 **SEC. 6476. MEMORIAL FOR THOSE WHO LOST THEIR LIVES**
20 **IN THE ATTACK ON HAMID KARZAI INTER-**
21 **NATIONAL AIRPORT ON AUGUST 26, 2021.**

22 The Secretary of Defense may establish a commemo-
23 rative work on Federal land owned by the Department of
24 Defense in the District of Columbia and its environs to
25 commemorate the 13 members of the Armed Forces who

1 died in the bombing attack on Hamid Karzai International
2 Airport on August 26, 2021.

3 **SEC. 6477. COREY ADAMS GREEN ALERT SYSTEMS TECH-**
4 **NICAL ASSISTANCE.**

5 (a) DEFINITIONS.—In this section:

6 (1) MISSING VETERAN.—The term “missing
7 veteran” means an individual who—

8 (A) is reported to, or identified by, a law
9 enforcement agency as a missing person;

10 (B) is a veteran; and

11 (C) meets the requirements to be des-
12 ignated as a missing veteran, as determined by
13 the State in which the individual is reported or
14 identified as a missing person.

15 (2) STATE.—The term “State” means each of
16 the 50 States, the District of Columbia, the Com-
17 monwealth of Puerto Rico, the United States Virgin
18 Islands, Guam, American Samoa, and the Common-
19 wealth of the Northern Mariana Islands.

20 (3) GREEN ALERT.—The term “Green Alert”
21 means an alert issued through the Green Alert com-
22 munications network, related to a missing veteran.

23 (4) VETERAN.—The term “veteran” means an
24 individual who is currently serving or a former mem-
25 ber who served in the United States Armed Forces,

1 including National Guard, or a Reserve or auxiliary
2 unit from any branch of the Armed Forces.

3 (b) TECHNICAL ASSISTANCE.—The Secretary of De-
4 fense, in consultation with the Secretary of Veterans Af-
5 fairs, shall provide financial and technical assistance to
6 a State that has established or has under consideration
7 legislation to establish a Green Alert or other system spe-
8 cifically dedicated to locating missing veterans or active
9 duty members of the Armed Forces (or both), to help en-
10 sure the effective use of those systems to successfully find
11 and recover current or former members of the Armed
12 Forces.

13 (c) CONTENT OF ASSISTANCE.—Such assistance shall
14 include—

15 (1) helping the State develop, revise, or update
16 criteria for issuing such alerts, including on when to
17 issue such alerts, training to provide to law enforce-
18 ment on interacting with veterans or service mem-
19 bers, and provide recommendations on how best to
20 protect the privacy, dignity, and independence of
21 veterans or service members who are the subject of
22 such alerts;

23 (2) providing assistance to the State on pro-
24 tecting the privacy of veterans and service

1 members, including sensitive medical information,
2 as such alerts are issued;

3 (3) designating officials to serve or participate
4 on any advisory committees established by the State
5 or local governments to provide oversight of Green
6 Alert systems dedicated to finding missing veterans;

7 (4) for those veterans recovered by such sys-
8 tems, helping ensure such veterans are connected to
9 any services provided by the Department of Veterans
10 Affairs or the Department of Defense to which they
11 are entitled as a result of their service, including
12 housing and healthcare;

13 (5) providing public education on these systems
14 to military or veteran communities in such States,
15 including on facilities of the Department of Veterans
16 Affairs or the Department of Defense located in
17 such States;

18 (6) supporting efforts to train State and local
19 law enforcement who issue such alerts and search
20 for such individuals on the unique needs of veterans
21 and service members; and

22 (7) ensuring officials of the Department of Vet-
23 erans Affairs or the Department of Defense in such
24 States are aware of Green Alerts, understand how
25 they work, and integrate them with any plan for lo-

1 cating missing veterans at a base or facility of the
2 Department of Veterans Affairs or the Department
3 of Defense.

4 (d) USE OF EXISTING MECHANISMS.—To the max-
5 imum extent possible, the Secretaries shall use, existing
6 mechanisms, including advisory committees and programs,
7 to meet the requirements of this section.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated \$2,000,000 for fiscal
10 year 2022 to carry out this section.

11 (f) OFFSET.—Notwithstanding the amounts set forth
12 in the funding tables in division D, the amount authorized
13 to be appropriated in section 301 for Operation and Main-
14 tenance, Defense-wide, as specified in the corresponding
15 funding table in section 4301, for Office of Secretary of
16 Defense, Line 540, is hereby reduced by \$2,000,000.

17 **SEC. 6478. HOUSING ALLOWANCE FOR FEDERAL WILDLAND**
18 **FIREFIGHTERS.**

19 The Secretary of the Interior and the Secretary of
20 Agriculture shall provide a housing allowance to any Fed-
21 eral wildland firefighter hired at a location more than 50
22 miles from their primary residence. Such allowance shall
23 be in an amount determined appropriate by the Secre-
24 taries and adjusted based on the cost of housing in the
25 area of deployment.

1 **SEC. 6479. MENTAL HEALTH PROGRAM FOR FEDERAL**
2 **WILDLAND FIREFIGHTERS.**

3 (a) MENTAL HEALTH PROGRAM.—Not later than
4 180 days after the date of enactment of this act, the Sec-
5 retaries of the Interior and Agriculture shall establish and
6 carry out a program for Federal wildland firefighters for
7 mental health awareness and support. Such program shall
8 include—

9 (1) a mental health awareness campaign;

10 (2) a mental health education and training pro-
11 gram that includes an on-boarding curriculum;

12 (3) an extensive peer-to-peer mental health sup-
13 port network for Federal wildland firefighters and
14 their immediate family;

15 (4) expanding the Critical Incident Stress Man-
16 agement Program through training, developing, and
17 retaining a larger pool of qualified mental health
18 professionals who are familiar with the experiences
19 of the wildland firefighting workforce, and moni-
20 toring and tracking mental health in the profession
21 to better understand the scope of the issue and de-
22 velop strategies to assist; and

23 (5) establish and carry out a new and distinct
24 mental health support service specific to Federal
25 wildland firefighters and their immediate family,
26 with culturally relevant and trauma-informed mental

1 health professionals who are readily available and
2 not subject to any limit on the number of sessions
3 or service provided.

4 (b) MENTAL HEALTH LEAVE.—Each Federal
5 wildland firefighter shall be entitled to 7 consecutive days
6 of leave, without loss or reduction in pay, during each cal-
7 endar year for the purposes of maintaining mental health.
8 Such leave may only be taken during the period beginning
9 on June 1 and ending on October 31 of any such year.
10 If leave is not taken under this section it expires after
11 October 31 of the calendar year.

12 **SEC. 6480. REPORTS ON SUBSTANCE ABUSE IN THE ARMED**
13 **FORCES.**

14 (a) INSPECTOR GENERAL OF THE DEPARTMENT OF
15 DEFENSE.—Not later than 180 days after the date of the
16 enactment of this Act, the Secretary of the Army, the Sec-
17 retary of the Navy, the Secretary of the Air Force, and
18 the Commandant of the Marine Corp shall each submit
19 to the Committees on Armed Services of the Senate and
20 of the House of Representatives a report on substance
21 abuse disorder treatment concerns related to service mem-
22 bers and their dependents.

23 (b) COMPTROLLER GENERAL OF THE UNITED
24 STATES.—Not later than 180 days after the date of the
25 enactment of this Act, the Secretary of the Army, the Sec-

1 retary of the Navy, the Secretary of the Air Force, and
2 the Commandant of the Marine Corp shall submit to Con-
3 gress a report regarding the use of substance abuse dis-
4 order treatment programs located at or around each in-
5 stallation. The report shall detail the number of service
6 members and dependents that are referred to treatment
7 programs, either residential or outpatient, and either in-
8 ternal or contracted, the absence of treatment capabilities
9 within an installation or grouping of military installations,
10 and the costs associated with sending service members or
11 their dependents away from the immediate area for sub-
12 stance use disorder treatment. The report shall also set
13 forth how the individual branches of the Armed Forces
14 are incorporating substance abuse disorder treatment into
15 mental health services both internal and contracted.

16 **SEC. 6481. PROHIBITION ON THE USE OF FUNDS FOR AER-**
17 **IAL FUMIGATION IN COLOMBIA.**

18 None of the amounts authorized to be appropriated
19 or otherwise made available by this Act may be made
20 available to directly conduct aerial fumigation in Colombia
21 unless there are demonstrated actions by the Government
22 of Colombia to adhere to national and local laws and regu-
23 lations.

1 **SEC. 6482. ANNUAL REPORT ON UNITED STATES POLICY**
2 **TOWARD SOUTH SUDAN.**

3 (a) **REPORT REQUIRED.**—Not later than 90 days
4 after the date of the enactment of this Act, and for five
5 years thereafter, the Secretary of State, in consultation
6 with the Administrator of the United States Agency for
7 International Development and the heads of other Federal
8 department and agencies as necessary, shall submit to the
9 appropriate congressional committees a report on United
10 States policy toward South Sudan, including the most re-
11 cent approved interagency strategy developed to address
12 political, security, and humanitarian issues prevalent in
13 the country since it gained independence from Sudan in
14 July 2011.

15 (b) **ELEMENTS.**—The report required by subsection
16 (a) shall include the following:

17 (1) An assessment of the situation in South
18 Sudan, including the role of South Sudanese govern-
19 ment officials in intercommunal violence, corruption,
20 and obstruction of peace processes, including the
21 credibility of internationally-supported peace proc-
22 esses in the face of escalating violence and armed
23 conflict in South Sudan.

24 (2) An assessment of the 2018 the Revitalized
25 Agreement on the Resolution of the Conflict in the

1 Republic of South Sudan (R-ARCSS) and the ongoing
2 peace processes.

3 (3) A detailed outline and assessment of United
4 States assistance and other efforts to support peace
5 processes in South Sudan, including the efficacy of
6 stakeholder engagement and United States assistance
7 to advance peacebuilding, conflict mitigation,
8 and other related activities.

9 (4) An assessment of the United Nations Mission
10 in South Sudan (UNMISS) over the last three
11 fiscal years.

12 (5) An analysis of the chronic food insecurity
13 issues in South Sudan, including identification of
14 root causes and ongoing or planned remediation efforts.
15

16 (6) A detailed account of United States foreign
17 assistance to provide emergency and non-emergency
18 humanitarian and development assistance, improve
19 anti-corruption efforts, and create fiscal transparency
20 in South Sudan over the last five fiscal
21 years.

22 (7) A breakdown of United States efforts, including
23 assistance provided by the Department of the Treasury
24 and United States law enforcement and intelligence
25 communities, to detect and deter

1 money laundering and counter illicit financial flows,
2 trafficking in persons, weapons, and other illicit
3 goods, and the financing of terrorists and armed
4 groups.

5 (8) A summary of United States efforts to pro-
6 mote accountability for serious human rights abuses
7 and an assessment of efforts by the Government of
8 South Sudan and the African Union, respectively, to
9 hold responsible parties accountable.

10 (9) Analysis of the impact of domestic and
11 international sanctions on improving governance,
12 mitigating and reducing conflict, combating corrup-
13 tion, and holding accountable those responsible for
14 human rights abuses.

15 (10) An assessment of the prospects for, and
16 impediments to, holding credible general elections.

17 (c) FORM.—The report required by subsection (a)
18 shall be submitted in unclassified form but may include
19 a classified annex.

20 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means—

23 (1) the Committee on Foreign Relations and
24 the Committee on Appropriations of the Senate; and

1 (2) the Committee on Foreign Affairs and the
2 Committee on Appropriations of the House of Rep-
3 resentatives.

4 **SEC. 6483. SENSE OF CONGRESS ON THE USE OF THE DE-**
5 **FENSE PRODUCTION ACT OF 1950 FOR GLOB-**
6 **AL VACCINE PRODUCTION.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) As President Biden has stated, “We know
9 America will never be fully safe until the pandemic
10 that is raging globally is under control. No ocean is
11 wide enough, no wall is high enough to keep us
12 safe.”.

13 (2) More than 600,000 Americans have already
14 died from COVID–19. Already, more Americans
15 have died from COVID–19 than from World War I,
16 World War II, the Vietnam War, and 9/11 com-
17 bined. The continued replication of SARS-CoV-2
18 abroad increases the likelihood of a harmful muta-
19 tion that renders current vaccines ineffective. A new
20 variant could be more transmissible and cause more
21 severe disease, posing a higher risk to the millions
22 of Americans who have not been vaccinated, like the
23 Delta variant.

24 (3) Approximately 11 billion doses are needed
25 to vaccinate the world’s population, but to date, the

1 US government has donated just 40 million doses.
2 More recent promises by the G7 would only deliver
3 an additional one billion doses by the end of 2022.

4 (4) Sharing manufacturing know-how and ex-
5 pertise is critical to quickly ramping up production.
6 Expanding the world's manufacturing capacity is
7 critical because donations and bilateral agreements
8 to increase vaccine doses in low- and middle-income
9 countries cannot quickly meet the global demand.

10 (5) The U.S. Government, as the largest
11 coronavirus research and development funder in the
12 world, is uniquely positioned to push companies to
13 share the knowledge required to end the pandemic.

14 (6) Manufacturers around the world have af-
15 firmed that they can help ramp up production if
16 they have access to technology. According to the
17 World Health Organization, 19 manufacturers from
18 more than a dozen countries in Africa, Asia, and
19 Latin America have expressed interest in ramping
20 up mRNA vaccine production. The Biden adminis-
21 tration has also urged companies to share tech-
22 nology. But vaccine originator corporations have
23 been reluctant to share technology.

24 (7) The Defense Production Act of 1950 pro-
25 vides the President with broad authority to support

1 the nation’s defense. The Defense Production Act of
2 1950’s definition of “national defense” includes
3 “military or critical infrastructure assistance to any
4 foreign nation”.

5 (8) The Defense Production Act of 1950 em-
6 powers the President to directly “allocate materials,
7 services, and facilities” to promote national defense
8 needs. The Act defines “materials” to include “any
9 technical information or services ancillary to the use
10 of any such materials”.

11 (9) The Defense Production Act of 1950 has
12 been used repeatedly to prioritize contracts and or-
13 ders from U.S. companies to foreign nations.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the President should make full use of the Presi-
16 dent’s authority under the Defense Production Act of
17 1950 to scale vaccine production and deployment globally,
18 which will save millions of lives and protect Americans
19 from the risk of emerging viral threats.

20 **SEC. 6484. NATIONAL ACADEMIES SCIENCE, TECHNOLOGY,**
21 **AND SECURITY ROUNDTABLE.**

22 Section 1746(b) of the National Defense Authoriza-
23 tion Act for Fiscal Year 2020 (Public Law 116–92; 42
24 U.S.C. 6601 note) is amended—

1 (1) in paragraph (3)(B), by striking “involving
2 federally funded research and development” and in-
3 serting “facing the United States research enter-
4 prise”;

5 (2) by redesignating paragraph (5) as para-
6 graph (6);

7 (3) by inserting after paragraph (4) the fol-
8 lowing new paragraph:

9 “(5) AD-HOC COMMITTEE.—

10 “(A) IN GENERAL.—The roundtable shall
11 convene an ad-hoc committee to study and
12 make recommendations on research security
13 issues consistent with paragraph (3).

14 “(B) STUDY AND REPORT.—Not later than
15 180 days after the first meeting of the ad-hoc
16 committee convened under subparagraph (A),
17 such committee shall—

18 “(i) complete a fast-track consensus
19 study on the feasibility of establishing an
20 independent, non-profit entity (referred to
21 in this paragraph as the ‘entity’) to further
22 protect the United States research enter-
23 prise against foreign interference, theft,
24 and espionage; and

1 “(ii) submit to the relevant commit-
2 tees a report on the results of the study.

3 “(C) ELEMENTS.—The report required
4 under subparagraph (B)(ii) shall include anal-
5 ysis and recommendations with respect to each
6 of the following:

7 “(i) The organizational structure of
8 the entity.

9 “(ii) The appropriate relationship be-
10 tween the entity and the Federal Govern-
11 ment, including the interagency working
12 group established under subsection (a).

13 “(iii) The appropriate level of finan-
14 cial resources needed to establish the enti-
15 ty.

16 “(iv) A self-sustaining funding model
17 for the entity.

18 “(v) Whether and how the entity
19 can—

20 “(I) enable informed, proactive,
21 and unbiased risk assessment for and
22 by the United States research enter-
23 prise;

24 “(II) in coordination with the
25 interagency working group established

1 under subsection (a), the Federal
2 agencies that comprise the working
3 group, and the roundtable under this
4 subsection, promote actionable and
5 timely information sharing among the
6 United States research enterprise
7 about foreign interference, theft, and
8 espionage of research and develop-
9 ment;

10 “(III) provide non-punitive, non-
11 legally binding advice to the United
12 States research enterprise, including
13 frontline researchers, about foreign in-
14 ference, theft, and espionage including
15 advice with respect to risks associated
16 with international partnerships and
17 foreign talent recruitment programs;

18 “(IV) secure the trust and active
19 participation of the United States re-
20 search enterprise;

21 “(V) regularly conduct open-
22 source intelligence analysis to provide
23 actionable and timely unclassified in-
24 formation to the United States re-
25 search enterprise about foreign inter-

1 ference, theft, and espionage, includ-
2 ing analysis to be tailored specifically
3 for the purpose of assisting frontline
4 researchers in making security-in-
5 formed decisions; and

6 “(VI) offer products and services
7 to the United States research enter-
8 prise to help inform research security
9 efforts such as analyses of global re-
10 search and development trends, advice
11 regarding intellectual property pro-
12 duction and protection, market anal-
13 yses, and risk assessment for day-to-
14 day activities such as collaboration,
15 travel, and hiring.

16 “(vi) Such other information and rec-
17 ommendations as the committee considers
18 necessary to ensure that the entity oper-
19 ates effectively.”; and

20 (4) in paragraph (6), as so redesignated, by
21 striking “2024” and inserting “2025”.

22 **SEC. 6485. PROHIBITION ON FEDERAL FUNDING TO**
23 **ECOHEALTH ALLIANCE, INC.**

24 No funds authorized under this Act may be made
25 available for any purpose to EcoHealth Alliance, Inc.

1 **SEC. 6486. BLOCKING DEADLY FENTANYL IMPORTS.**

2 (a) DEFINITIONS.—Section 481(e)(2) of the Foreign
3 Assistance Act of 1961 (22 U.S.C. 2291(e)(2)) is amend-
4 ed—

5 (1) in the matter preceding subparagraph (A),
6 by striking “in which”;

7 (2) in subparagraph (A), by inserting “in
8 which” before “1,000”;

9 (3) in subparagraph (B)—

10 (A) by inserting “in which” before
11 “1,000”; and

12 (B) by striking “or” at the end;

13 (4) in subparagraph (C)—

14 (A) by inserting “in which” before
15 “5,000”; and

16 (B) by inserting “or” after the semicolon;
17 and

18 (5) by adding at the end the following:

19 “(D) that is a significant source of illicit
20 synthetic opioids significantly affecting the
21 United States;”.

22 (b) INTERNATIONAL NARCOTICS CONTROL STRAT-
23 EGY REPORT.—Section 489(a) of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding
25 at the end the following:

1 “(10) A separate section that contains the fol-
2 lowing:

3 “(A) An identification of the countries, to
4 the extent feasible, that are the most significant
5 sources of illicit fentanyl and fentanyl analogues
6 significantly affecting the United States during
7 the preceding calendar year.

8 “(B) A description of the extent to which
9 each country identified pursuant to subpara-
10 graph (A) has cooperated with the United
11 States to prevent the articles or chemicals de-
12 scribed in subparagraph (A) from being ex-
13 ported from such country to the United States.

14 “(C) A description of whether each country
15 identified pursuant to subparagraph (A) has
16 adopted and utilizes scheduling or other proce-
17 dures for illicit drugs that are similar in effect
18 to the procedures authorized under title II of
19 the Controlled Substances Act (21 U.S.C. 811
20 et seq.) for adding drugs and other substances
21 to the controlled substances schedules;

22 “(D) A description of whether each coun-
23 try identified pursuant to subparagraph (A) is
24 following steps to prosecute individuals involved
25 in the illicit manufacture or distribution of con-

1 health services and services for elderly veterans) are being
2 offered to and used by veterans, and any correlation be-
3 tween a lack of supportive services programs and the like-
4 lihood of veterans falling back into housing insecurity. The
5 Secretary of Veterans Affairs shall ensure that any med-
6 ical information included in the report is de-identified.

7 **SEC. 6488. REPORT ON OBSTACLES TO VETERAN PARTICI-**
8 **PATION IN FEDERAL HOUSING PROGRAMS.**

9 Not later than one year after the date of the enact-
10 ment of this Act, the Secretary of Veterans Affairs, in co-
11 ordination with the Secretary of Housing and Urban De-
12 velopment, shall submit to Congress a report on the obsta-
13 cles veterans experience related to receiving benefits under
14 Federal housing programs, including obstacles relating to
15 women veterans, LGBTQ+ veterans, and multi-
16 generational family types and obstacles relating to eligi-
17 bility requirements (including local Area Median Income
18 limits, chronicity and disability requirements, and required
19 documentation).

20 **SEC. 6489. INCLUSION ON THE VIETNAM VETERANS MEMO-**
21 **RIAL WALL OF THE NAMES OF THE LOST**
22 **CREW MEMBERS OF THE U.S.S. FRANK E.**
23 **EVANS KILLED ON JUNE 3, 1969.**

24 (a) IN GENERAL.—Not later than one year after the
25 date of enactment of this Act, the Secretary of Defense

1 shall authorize the inclusion on the Vietnam Veterans Me-
2 morial Wall in the District of Columbia of the names of
3 the 74 crew members of the U.S.S. Frank E. Evans killed
4 on June 3, 1969.

5 (b) REQUIRED CONSULTATION.—The Secretary of
6 Defense shall consult with the Secretary of the Interior,
7 the American Battlefield Monuments Commission, and
8 other applicable authorities with respect to any adjust-
9 ments to the nomenclature and placement of names pursu-
10 ant to subsection (a) to address any space limitations on
11 the placement of additional names on the Vietnam Vet-
12 erans Memorial Wall.

13 (c) NONAPPLICABILITY OF COMMEMORATIVE WORKS
14 ACT.—Chapter 89 of title 40, United States Code (com-
15 monly known as the “Commemorative Works Act”), shall
16 not apply to any activities carried out under subsection
17 (a) or (b).

18 **SEC. 6490. JAMAL KHASHOGGI PRESS FREEDOM ACCOUNT-**
19 **ABILITY ACT OF 2021.**

20 (a) EXPANDING SCOPE OF HUMAN RIGHTS REPORTS
21 WITH RESPECT TO VIOLATIONS OF HUMAN RIGHTS OF
22 JOURNALISTS.—The Foreign Assistance Act of 1961 (22
23 U.S.C. 2151 et seq.) is amended as follows:

24 (1) In paragraph (12) of section 116(d)—

25 (A) in subparagraph (B)—

1 (i) by inserting “or online harass-
2 ment” after “direct physical attacks”; and

3 (ii) by inserting “or surveillance”
4 after “sources of pressure”;

5 (B) in subparagraph (C)(ii), by striking
6 “ensure the prosecution” and all that follows to
7 the end of the clause and inserting “ensure the
8 investigation, prosecution, and conviction of
9 government officials or private individuals who
10 engage in or facilitate digital or physical at-
11 tacks, including hacking, censorship, surveil-
12 lance, harassment, unlawful imprisonment, or
13 bodily harm, against journalists and others who
14 perform, or provide administrative support to,
15 the dissemination of print, broadcast, internet-
16 based, or social media intended to communicate
17 facts or opinion.”;

18 (C) by redesignating subparagraphs (B)
19 and (C) (as amended by subparagraph (A) of
20 this section) as subparagraphs (C) and (D), re-
21 spectively; and

22 (D) by inserting after subparagraph (A)
23 the following new subparagraph:

24 “(B) an identification of countries in which
25 there were gross violations of internationally

1 recognized human rights (as such term is de-
2 fined for purposes of section 502B) committed
3 against journalists;”.

4 (2) By redesignating the second subsection (i)
5 of section 502B as subsection (j).

6 (3) In the first subsection (i) of section 502B—

7 (A) in paragraph (2)—

8 (i) by inserting “or online harass-
9 ment” after “direct physical attacks”; and

10 (ii) by inserting “or surveillance”
11 after “sources of pressure”;

12 (B) by redesignating paragraph (2) (as
13 amended by subparagraph (A) of this section)
14 and paragraph (3) as paragraphs (3) and (4),
15 respectively; and

16 (C) by inserting after paragraph (1) the
17 following new paragraph:

18 “(2) an identification of countries in which
19 there were gross violations of internationally recog-
20 nized human rights committed against journalists;”.

21 (b) IMPOSITION OF SANCTIONS ON PERSONS RE-
22 SPONSIBLE FOR THE COMMISSION OF GROSS VIOLATIONS
23 OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS
24 AGAINST JOURNALISTS.—

1 (1) LISTING OF PERSONS WHO HAVE COM-
2 MITTED GROSS VIOLATIONS OF INTERNATIONALLY
3 RECOGNIZED HUMAN RIGHTS.—

4 (A) IN GENERAL.—On or after the date on
5 which a person is listed pursuant to subpara-
6 graph (B), the President shall impose the sanc-
7 tions described in paragraph (2) on each for-
8 eign person the President determines, based on
9 credible information, has perpetrated, ordered,
10 or otherwise directed the extrajudicial killing of
11 or other gross violation of internationally recog-
12 nized human rights committed against a jour-
13 nalist or other person who performs, or provides
14 administrative support to, the dissemination of
15 print, broadcast, internet-based, or social media
16 intended to report newsworthy activities or in-
17 formation, or communicate facts or fact-based
18 opinions.

19 (B) PUBLICATION OF LIST.—The Sec-
20 retary of State shall publish on a publicly avail-
21 able website of the Department of State a list
22 of the names of each foreign person determined
23 pursuant to subparagraph (A) to have per-
24 petrated, ordered, or directed an act described

1 in such paragraph. Such list shall be updated at
2 least annually.

3 (C) EXCEPTION.—The President may
4 waive the imposition of sanctions under sub-
5 paragraph (A) (and omit a foreign person from
6 the list published in accordance with subpara-
7 graph (B)) or terminate such sanctions and re-
8 move a foreign person from such list, if the
9 President certifies to the Committee on Foreign
10 Affairs of the House of Representatives and the
11 Committee on Foreign Relations of the Sen-
12 ate—

13 (i) that public identification of the in-
14 dividual is not in the national interest of
15 the United States, including an unclassi-
16 fied description of the factual basis sup-
17 porting such certification, which may con-
18 tain a classified annex; or

19 (ii) that appropriate foreign govern-
20 ment authorities have credibly—

21 (I) investigated the foreign per-
22 son and, as appropriate, held such
23 person accountable for perpetrating,
24 ordering, or directing the acts de-
25 scribed in subparagraph (A);

1 (II) publicly condemned viola-
2 tions of the freedom of the press and
3 the acts described in subparagraph
4 (A);

5 (III) complied with any requests
6 for information from international or
7 regional human rights organizations
8 with respect to the acts described in
9 subparagraph (A); and

10 (IV) complied with any United
11 States Government requests for infor-
12 mation with respect to the acts de-
13 scribed in subparagraph (A).

14 (2) SANCTIONS DESCRIBED.—The sanctions de-
15 scribed in this paragraph are the following:

16 (A) ASSET BLOCKING.—The President
17 shall exercise all of the powers granted to the
18 President under the International Emergency
19 Economic Powers Act (50 U.S.C. 1701 et seq.)
20 to the extent necessary to block and prohibit all
21 transactions in property and interests in prop-
22 erty of a foreign person identified in the report
23 required under paragraph (1)(A) if such prop-
24 erty and interests in property are in the United
25 States, come within the United States, or come

1 within the possession or control of a United
2 States person.

3 (B) INELIGIBILITY FOR VISAS, ADMISSION,
4 OR PAROLE.—

5 (i) VISAS, ADMISSION, OR PAROLE.—

6 An alien described in paragraph (1)(A)
7 is—

8 (I) inadmissible to the United
9 States;

10 (II) ineligible to receive a visa or
11 other documentation to enter the
12 United States; and

13 (III) otherwise ineligible to be
14 admitted or paroled into the United
15 States or to receive any other benefit
16 under the Immigration and Nation-
17 ality Act (8 U.S.C. 1101 et seq.).

18 (ii) CURRENT VISAS REVOKED.—

19 (I) IN GENERAL.—An alien de-
20 scribed in paragraph (1)(A) is subject
21 to revocation of any visa or other
22 entry documentation regardless of
23 when the visa or other entry docu-
24 mentation is or was issued.

1 (II) IMMEDIATE EFFECT.—A rev-
2 ocation under subclause (I) shall take
3 effect immediately, and automatically
4 cancel any other valid visa or entry
5 documentation that is in the alien's
6 possession.

7 (C) EXCEPTIONS.—

8 (i) EXCEPTION FOR INTELLIGENCE
9 ACTIVITIES.—The sanctions described in
10 this paragraph shall not apply to any activ-
11 ity subject to the reporting requirements
12 under title V of the National Security Act
13 of 1947 (50 U.S.C. 3091 et seq.) or any
14 authorized intelligence activities of the
15 United States.

16 (ii) EXCEPTION TO COMPLY WITH
17 INTERNATIONAL OBLIGATIONS.—The sanc-
18 tions described in this paragraph shall not
19 apply with respect to an alien if admitting
20 or paroling the alien into the United States
21 is necessary to permit the United States to
22 comply with the Agreement regarding the
23 Headquarters of the United Nations,
24 signed at Lake Success June 26, 1947,
25 and entered into force November 21, 1947,

1 between the United Nations and the
2 United States, or other applicable inter-
3 national obligations.

4 (3) IMPLEMENTATION; PENALTIES.—

5 (A) IMPLEMENTATION.—The President
6 may exercise all authorities provided under sec-
7 tions 203 and 205 of the International Emer-
8 gency Economic Powers Act (50 U.S.C. 1702
9 and 1704) to carry out this subsection.

10 (B) PENALTIES.—The penalties provided
11 for in subsections (b) and (c) of section 206 of
12 the International Emergency Economic Powers
13 Act (50 U.S.C. 1705) shall apply to a foreign
14 person that violates, attempts to violate, con-
15 spires to violate, or causes a violation of this
16 subsection to the same extent that such pen-
17 alties apply to a person that commits an unlaw-
18 ful act described in subsection (a) of such sec-
19 tion 206.

20 (4) EXCEPTION RELATING TO THE IMPORTA-
21 TION OF GOODS.—

22 (A) IN GENERAL.—The authorities and re-
23 quirements to impose sanctions under this sec-
24 tion shall not include any authority or require-

1 ment to impose sanctions on the importation of
2 goods.

3 (B) GOOD DEFINED.—For purposes of this
4 section, the term “good” means any article,
5 natural or man-made substance, material, sup-
6 ply, or manufactured product, including inspec-
7 tion and test equipment and excluding technical
8 data.

9 (5) DEFINITIONS.—In this subsection:

10 (A) ADMITTED; ALIEN.—The terms “ad-
11 mitted” and “alien” have the meanings given
12 those terms in section 101 of the Immigration
13 and Nationality Act (8 U.S.C. 1001).

14 (B) FOREIGN PERSON.—The term “foreign
15 person” means an individual who is not—

16 (i) a United States citizen or national;

17 or

18 (ii) an alien lawfully admitted for per-
19 manent residence to the United States.

20 (C) UNITED STATES PERSON.—The term
21 “United States person” means—

22 (i) a United States citizen, an alien
23 lawfully admitted for permanent residence
24 to the United States, or any other indi-

1 vidual subject to the jurisdiction of the
2 United States;

3 (ii) an entity organized under the laws
4 of the United States or of any jurisdiction
5 within the United States, including a for-
6 eign branch of such entity; or

7 (iii) any person in the United States.

8 (c) PROHIBITION ON FOREIGN ASSISTANCE.—

9 (1) PROHIBITION.—Assistance authorized
10 under the Foreign Assistance Act of 1961 (22
11 U.S.C. 2151 et seq.) or the Arms Export Control
12 Act (22 U.S.C. 2751 et seq.) may not be made avail-
13 able to any governmental entity of a country if the
14 Secretary of State or the Director of National Intel-
15 ligence has credible information that one or more of-
16 ficials associated with, leading, or otherwise acting
17 under the authority of such entity has committed a
18 gross violation of internationally recognized human
19 rights against a journalist or other person who per-
20 forms, or provides administrative support to, the dis-
21 semination of print, broadcast, internet-based, or so-
22 cial media intended to report newsworthy activities
23 or information, or communicate facts or fact-based
24 opinions. To the maximum extent practicable, a list
25 of such governmental entities shall be published on

1 publicly available websites of the Department of
2 State and of the Office of the Director of National
3 Intelligence and shall be updated on a regular basis.

4 (2) PROMPT INFORMATION.—The Secretary of
5 State shall promptly inform appropriate officials of
6 the government of a country from which assistance
7 is withheld in accordance with the prohibition under
8 paragraph (1).

9 (3) EXCEPTION.—The prohibition under para-
10 graph (1) shall not apply with respect to the fol-
11 lowing:

12 (A) Humanitarian assistance or disaster
13 relief assistance authorized under the Foreign
14 Assistance Act of 1961.

15 (B) Assistance the Secretary determines to
16 be essential to assist the government of a coun-
17 try to bring the responsible members of the rel-
18 evant governmental entity to justice for the acts
19 described in paragraph (1).

20 (4) WAIVER.—

21 (A) IN GENERAL.—The Secretary of State,
22 may waive the prohibition under paragraph (1)
23 with respect to a governmental entity of a coun-
24 try if—

1 (i) the President, acting through the
2 Secretary of State and the Director of Na-
3 tional Intelligence, determines that such a
4 waiver is in the national security interest
5 of the United States; or

6 (ii) the Secretary of State has re-
7 ceived credible information that the gov-
8 ernment of that country has—

9 (I) performed a thorough inves-
10 tigation of the acts described in para-
11 graph (1) and is taking effective steps
12 to bring responsible members of the
13 relevant governmental entity to jus-
14 tice;

15 (II) condemned violations of the
16 freedom of the press and the acts de-
17 scribed in paragraph (1);

18 (III) complied with any requests
19 for information from international or
20 regional human rights organizations
21 with respect to the acts described in
22 paragraph (1), in accordance with
23 international legal obligations to pro-
24 tect the freedom of expression; and

1 (IV) complied with United States
2 Government requests for information
3 with respect to the acts described in
4 paragraph (1).

5 (B) CERTIFICATION.—A waiver described
6 in subparagraph (A) may only take effect if—

7 (i) the Secretary of State certifies, not
8 later than 30 days before the effective date
9 of the waiver, to the Committee on Foreign
10 Affairs and the Committee on Appropria-
11 tions of the House of Representatives and
12 the Committee on Foreign Relations and
13 the Committee on Appropriations of the
14 Senate that such waiver is warranted and
15 includes an unclassified description of the
16 factual basis supporting the certification,
17 which may contain a classified annex; and

18 (ii) the Director of National Intel-
19 ligence, not later than 30 days before the
20 effective date of the waiver, submits to the
21 Permanent Select Committee on Intel-
22 ligence of the House of Representatives
23 and the Select Committee on Intelligence
24 of the Senate a report detailing any under-
25 lying information that the intelligence com-

1 community (as such term is defined in section
2 3 of the National Security Act of 1947 (50
3 U.S.C. 3003)) has regarding the perpetra-
4 tors of the acts described in paragraph (1),
5 which shall be submitted in unclassified
6 form but may contain a classified annex.

7 **SEC. 6491. INTERAGENCY ONE HEALTH PROGRAM.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services, the Secretary of Agriculture, and the
10 Secretary of Interior (referred to in this subtitle as the
11 “Secretaries”), in coordination with the United States
12 Agency for International Development, the Environmental
13 Protection Agency, the Department of Homeland Security,
14 the Department of Defense, the Department of Com-
15 merce, and other departments and agencies as appro-
16 priate, shall develop, publish, and submit to Congress a
17 national One Health Framework (referred to in this Act
18 as the “framework”) for coordinated Federal Activities
19 under the One Health Program.

20 (b) NATIONAL ONE HEALTH FRAMEWORK.—

21 (1) IN GENERAL.—Not later than one year
22 after the date of the enactment of this Act, the Sec-
23 retaries, in cooperation with the United States Agen-
24 cy for International Development, the Environmental
25 Protection Agency, the Department of Homeland Se-

1 security, the Department of Defense, the Department
2 of Commerce, and other departments and agencies
3 as appropriate, shall develop, publish, and submit to
4 Congress a One Health Framework (referred to in
5 this section as the “framework”) for coordinated
6 Federal activities under the One Health Program.

7 (2) CONTENTS OF FRAMEWORK.—The frame-
8 work described in paragraph (1) shall describe exist-
9 ing efforts and contain recommendations for build-
10 ing upon and complementing the activities of the
11 Centers for Disease Control and Prevention, the
12 Food and Drug Administration, the Office of the As-
13 sistant Secretary for Preparedness and Response,
14 the Public Health Service Corps, the Department of
15 Agriculture, the United States Agency for Inter-
16 national Development, the Environmental Protection
17 Agency, the National Institutes of Health, the De-
18 partment of Homeland Security, the Department of
19 the Interior, and other departments and agencies, as
20 appropriate, and shall—

21 (A) assess, identify, and describe, as ap-
22 propriate, existing activities of Federal agencies
23 and departments under the One Health Pro-
24 gram and consider whether all relevant agencies
25 are adequately represented;

1 (B) for the 10-year period beginning in the
2 year the framework is submitted, establish spe-
3 cific Federal goals and priorities that most ef-
4 fectively advance—

5 (i) scientific understanding of the con-
6 nections between human, animal, and envi-
7 ronmental health;

8 (ii) coordination and collaboration be-
9 tween agencies involved in the framework
10 including sharing data and information,
11 engaging in joint fieldwork, and engaging
12 in joint laboratory studies related to One
13 Health;

14 (iii) identification of priority zoonotic
15 diseases and priority areas of study;

16 (iv) surveillance of priority zoonotic
17 diseases and their transmission between
18 animals and humans;

19 (v) prevention of priority zoonotic dis-
20 eases and their transmission between ani-
21 mals and humans;

22 (vi) protocol development to improve
23 joint outbreak response to and recovery
24 from zoonotic disease outbreaks in animals
25 and humans; and

1 (vii) workforce development to prevent
2 and respond to zoonotic disease outbreaks
3 in animals and humans;

4 (C) describe specific activities required to
5 achieve the goals and priorities described in
6 subparagraph (B), and propose a timeline for
7 achieving these goals;

8 (D) identify and expand partnerships, as
9 appropriate, among Federal agencies, States,
10 Indian tribes, academic institutions, nongovern-
11 mental organizations, and private entities in
12 order to develop new approaches for reducing
13 hazards to human and animal health and to
14 strengthen understanding of the value of an in-
15 tegrated approach under the One Health Pro-
16 gram to addressing public health threats in a
17 manner that prevents duplication;

18 (E) identify best practices related to State
19 and local-level research coordination, field ac-
20 tivities, and disease outbreak preparedness, re-
21 sponse, and recovery related to One Health; and

22 (F) provide recommendations to Congress
23 regarding additional action or legislation that
24 may be required to assist in establishing the
25 One Health Program.

1 (3) ADDENDUM.—Not later than three years
2 after the creation of the framework, the Secretary,
3 in coordination with the agencies described in para-
4 graph (1), shall submit to Congress an addendum to
5 the framework that describes the progress made in
6 advancing the activities described in the framework.

7 (c) GAO REPORT.—Not later than two years after
8 the date of the submission of the addendum under section
9 (b)(3), the Comptroller General of the United States shall
10 submit to Congress a report that—

11 (1) details existing collaborative efforts between
12 the Centers for Disease Control and Prevention, the
13 Food and Drug Administration, the Department of
14 Agriculture, the United States Agency for Inter-
15 national Development, the Environmental Protection
16 Agency, the National Institutes of Health, the De-
17 partment of Homeland Security, the Department of
18 the Interior, and other departments and agencies to
19 prevent and respond to zoonotic disease outbreaks in
20 animals and humans; and

21 (2) contains an evaluation of the framework
22 and the specific activities requested to achieve the
23 framework.

1 **SEC. 6492. SUPPORT FOR AFGHAN SPECIAL IMMIGRANT**
2 **VISA AND REFUGEE APPLICANTS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the United States should increase support for
5 nationals of Afghanistan who aided the United States mis-
6 sion in Afghanistan during the past twenty years and are
7 now under threat from the Taliban, specifically special im-
8 migrant visa applicants who are nationals of Afghanistan
9 and referrals of nationals of Afghanistan to the United
10 States Refugee Admissions Program, including through
11 the Priority 2 Designation for nationals of Afghanistan,
12 who remain in Afghanistan or are in third countries.

13 (b) REQUIREMENTS.—The Secretary of State, in co-
14 ordination with the Secretary of Homeland Security and
15 the heads of other relevant Federal departments and agen-
16 cies, shall—

17 (1) prioritize for evacuation from Afghanistan
18 bona fide special immigrant visa applicants who are
19 nationals of Afghanistan and referrals of nationals
20 of Afghanistan to the United States Refugee Admis-
21 sions Program, including through the Priority 2
22 Designation for nationals of Afghanistan;

23 (2) facilitate the rapid departure of such indi-
24 viduals from Afghanistan by air charter and land
25 passage;

1 (3) provide letters of support, diplomatic notes
2 and other documentation, as appropriate, to ease
3 transit of such individuals;

4 (4) engage governments of relevant countries to
5 better facilitate evacuation;

6 (5) disseminate frequent updates to such indi-
7 viduals and relevant nongovernmental organizations;

8 (6) identify or establish sufficient locations out-
9 side of Afghanistan that will accept such individuals
10 during application processing; and

11 (7) further surge capacity to better support
12 such individuals and reduce their application proc-
13 essing times, while ensuring strict and necessary se-
14 curity vetting, including, to the extent practicable,
15 enabling refugee referrals to initiate application
16 processes while still in Afghanistan.

17 (c) STRATEGY AND REPORTING.—The Secretary of
18 State, in coordination with the Secretary of Homeland Se-
19 curity and the heads of other relevant Federal depart-
20 ments and agencies, shall submit to the committees on
21 Foreign Affairs, Judiciary, Homeland Security, and
22 Armed Services of the House of Representatives and the
23 committees on Foreign Relations, Judiciary, Homeland
24 Security and Governmental Affairs, and Armed Services
25 of the Senate the following:

1 (1) Not later than 60 days after the date of the
2 enactment of this Act, a strategy, with a classified
3 annex if necessary, to safely process nationals of Af-
4 ghanistan abroad who have pending special immi-
5 grant visa applications and refugee referrals, which
6 strategy shall include steps by the United States
7 Government to carry out each of paragraphs (1)
8 through (7) of subsection (b).

9 (2) Not later than 60 days after the date of the
10 enactment of this Act, and every month thereafter
11 until December 31, 2022, a report, with a classified
12 annex if necessary, that includes the following:

13 (A) The number of nationals of Afghani-
14 stan—

15 (i) referred to the United States Ref-
16 ugee Admissions Program through Priority
17 1 and Priority 2 referrals, including wheth-
18 er such individuals remain in Afghanistan
19 or outside Afghanistan, and the number of
20 refugee applications for such individuals
21 that are approved, denied, and pending;
22 and

23 (ii) who have pending special immi-
24 grant visa applications who remain in Af-
25 ghanistan or in a third country,

1 disaggregated by the special immigrant
2 visa processing steps completed with re-
3 spect to such individuals.

4 (B) Steps taken to implement each element
5 of the strategy described in paragraph (1).

6 **SEC. 6493. REVIEW AND REPORT OF EXPERIMENTATION**
7 **WITH TICKS AND INSECTS.**

8 (a) REVIEW.—The Comptroller General of the United
9 States shall conduct a review of whether the Department
10 of Defense experimented with ticks, other insects, airborne
11 releases of tick-borne bacteria, viruses, pathogens, or any
12 other tick-borne agents regarding use as a biological weap-
13 on between the years of 1950 and 1977.

14 (b) REPORT.—If the Comptroller General of the
15 United States finds that any experiment described under
16 subsection (a) occurred, the Comptroller General shall
17 submit to the Committees on Armed Services of the House
18 of Representatives and the Senate a report on—

19 (1) the scope of such experiment; and

20 (2) whether any ticks, insects, or other vector-
21 borne agents used in such experiment were released
22 outside of any laboratory by accident or experiment
23 design.

1 **SEC. 6494. INCREASE IN LENGTH OF POST-EMPLOYMENT**
2 **BAN ON LOBBYING BY CERTAIN FORMER**
3 **SENIOR EXECUTIVE BRANCH PERSONNEL.**

4 (a) INCREASE IN LENGTH OF BAN.—Section 207(c)
5 of title 18, United States Code, is amended—

6 (1) in the heading, by striking “ONE-YEAR”
7 and inserting “TWO-YEAR”; and

8 (2) in paragraph (1), by striking “within 1 year
9 after the termination” and inserting “within 2 years
10 after the termination”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall apply with respect to any individual who,
13 on or after the date of the enactment of this Act, leaves
14 a position to which subsection (c) of section 207 of title
15 18, United States Code, applies.

16 **SEC. 6495. AFGHAN REFUGEES OF SPECIAL HUMANITARIAN**
17 **CONCERN.**

18 (a) IN GENERAL.—The Secretary of State, in con-
19 sultation with the Secretary of Homeland Security, shall
20 designate as Priority 2 refugees of special humanitarian
21 concern the following individuals:

22 (1) Individuals who—

23 (A) are or were habitual residents of Af-
24 ghanistan;

25 (B) are nationals of Afghanistan or state-
26 less persons;

1 (C) have suffered persecution or have a
2 well-founded fear of persecution; and

3 (D) share common occupational character-
4 istics that identify them as targets of persecu-
5 tion in Afghanistan on account of race, religion,
6 nationality, membership in a particular social
7 group, or political opinion, as determined by the
8 Secretary of State, including the following:

9 (i) Civil servants.

10 (ii) Public officials and government
11 personnel, including members of the peace
12 negotiation team.

13 (iii) Democracy and human rights de-
14 fenders.

15 (iv) Women's rights defenders.

16 (v) Journalists and media personnel.

17 (vi) Legal professionals.

18 (2) Individuals who—

19 (A) are or were habitual residents of Af-
20 ghanistan;

21 (B) are nationals of Afghanistan or state-
22 less persons; and

23 (C) were employed in Afghanistan for an
24 aggregate period of not less than 1 year by—

1 (i) a media or nongovernmental orga-
2 nization based in the United States; or

3 (ii) an organization or entity that has
4 received a grant from, or entered into a co-
5 operative agreement or contract with, the
6 United States Government.

7 (3) Individuals who—

8 (A) are or were habitual residents of Af-
9 ghanistan;

10 (B) are nationals of Afghanistan or state-
11 less persons; and

12 (C) are beneficiaries of an approved I-130
13 Petition for Alien Relative.

14 (b) PROCESSING OF AFGHAN REFUGEES.—The proc-
15 essing of individuals who are or were habitual residents
16 of Afghanistan, are nationals of Afghanistan or stateless
17 persons, and have suffered persecution, or have a well-
18 founded fear of persecution, for classification as refugees
19 may occur in Afghanistan or in a third country.

20 (c) ELIGIBILITY FOR ADMISSION AS A REFUGEE.—
21 An alien may not be denied the opportunity to apply for
22 admission as a refugee under this section solely because
23 such alien qualifies as an immediate relative of a national
24 of the United States or is eligible for admission to the
25 United States under any other immigrant classification.

1 (d) IDENTIFICATION OF OTHER PERSECUTED
2 GROUPS.—The Secretary of State, or the designee of the
3 Secretary, is authorized to classify other groups of individ-
4 uals who are or were nationals and residents of Afghani-
5 stan as Priority 2 refugees of special humanitarian con-
6 cern.

7 (e) SATISFACTION OF OTHER REQUIREMENTS.—
8 Aliens designated as Priority 2 refugees of special humani-
9 tarian concern under this section shall be deemed to sat-
10 isfy the requirements under section 207 of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1157) for admission
12 to the United States.

13 (f) TIMELINE FOR PROCESSING APPLICATIONS.—

14 (1) IN GENERAL.—The Secretary of State and
15 the Secretary of Homeland Security shall ensure
16 that all steps under the control of the United States
17 Government incidental to the approval of such appli-
18 cations, including required screenings and back-
19 ground checks, are completed not later than 6
20 months after the date on which an eligible applicant
21 submits an application under subsection (a).

22 (2) EXCEPTION.—Notwithstanding paragraph
23 (1), the United States Refugee Admission Program
24 may take additional time to process applications de-
25 scribed in paragraph (1) if satisfaction of national

1 security concerns requires such additional time, if
2 the Secretary of Homeland Security, or the designee
3 of the Secretary, has determined that the applicant
4 meets the requirements for status as a refugee of
5 special humanitarian concern under this section and
6 has so notified the applicant.

7 (g) ADDITIONAL FORMS OF IMMIGRATION RELIEF.—
8 The Secretary of State shall consider additional forms of
9 immigration relief available to Afghans and coordinate
10 with embassies, nongovernmental organizations, and the
11 United Nations High Commissioner for Refugees to re-
12 ceive referrals for individuals who—

13 (1) are or were habitual residents of Afghani-
14 stan;

15 (2) are nationals of Afghanistan or stateless
16 persons; and

17 (3) are described in subsection (a) or otherwise
18 face humanitarian concerns.

19 (h) ISSUANCE OF TRAVEL DOCUMENTS.—Each offi-
20 cer or employee of the Federal Government whose official
21 duties include issuing travel documentation, diplomatic
22 notes, letters of support, or other relevant materials for
23 individuals described in subsection (a) or for nationals of
24 Afghanistan who are applying for special immigrant visas
25 or any other humanitarian relief under the immigration

1 laws, shall carry out such duties as expeditiously as pos-
2 sible, and shall prioritize facilitating the evacuation of
3 such individuals.

4 (i) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the Secretary of State, in coordination with
7 the Secretary of Defense and the Secretary of
8 Homeland Security, should establish a special hu-
9 manitarian parole program that—

10 (A) is for individuals described in sub-
11 section (a) and for nationals of Afghanistan
12 who are applying for special immigrant visas or
13 any other humanitarian relief under the immi-
14 gration laws, who are human rights defenders,
15 democracy workers, women’s rights activists,
16 women politicians, journalists, or other highly
17 visible women leaders; and

18 (B) prioritizes providing assistance for
19 women; and

20 (2) women’s organizations in Afghanistan
21 should be included as recipients of any Federal
22 funding for assistance in Afghanistan, such as for
23 food, water, and shelter, as such organizations serve
24 as trusted resources for vulnerable Afghan women

1 seeking such assistance, most often as they are flee-
2 ing direct violence and threats on their lives.

3 **SEC. 6496. ESTABLISHMENT OF SUBCOMMITTEE ON THE**
4 **ECONOMIC AND SECURITY IMPLICATIONS OF**
5 **QUANTUM INFORMATION SCIENCE.**

6 (a) ESTABLISHMENT.—Title I of the National Quan-
7 tum Initiative Act (15 U.S.C. 8811 note et al.) is amend-
8 ed—

9 (1) by redesignating section 105 as section 106;
10 and

11 (2) by inserting after section 104 the following
12 new section:

13 **“SEC. 105. SUBCOMMITTEE ON THE ECONOMIC AND SECU-**
14 **RITY IMPLICATIONS OF QUANTUM INFORMA-**
15 **TION SCIENCE.**

16 “(a) ESTABLISHMENT.—The President shall estab-
17 lish, through the National Science and Technology Coun-
18 cil, the Subcommittee on the Economic and Security Im-
19 plications of Quantum Information Science.

20 “(b) MEMBERSHIP.—The Subcommittee shall include
21 a representative of—

22 “(1) the Department of Energy;

23 “(2) the Department of Defense;

24 “(3) the Department of Commerce;

25 “(4) the Department of Homeland Security;

1 “(5) the Office of the Director of National In-
2 telligence;

3 “(6) the Office of Management and Budget;

4 “(7) the Office of Science and Technology Pol-
5 icy;

6 “(8) the Federal Bureau of Investigation;

7 “(9) the National Science Foundation; and

8 “(10) such other Federal department or agency
9 as the President considers appropriate.

10 “(c) CHAIRPERSONS.—The Subcommittee shall be
11 jointly chaired by the Secretary of Defense, the Secretary
12 of Energy, the Director of National Intelligence, and the
13 Director of the Office of Science and Technology Policy.

14 “(d) RESPONSIBILITIES.—The Subcommittee shall—

15 “(1) in coordination with the Director of the
16 Office and Management and Budget and the Direc-
17 tor of the National Quantum Coordination Office,
18 track investments of the Federal Government in
19 quantum information science research and develop-
20 ment;

21 “(2) review and assess any economic or security
22 implications of such investments;

23 “(3) review and assess any counterintelligence
24 risks or other foreign threats to such investments;

1 “(4) establish goals and priorities of the Fed-
2 eral Government and make recommendations to
3 Federal departments and agencies and the Director
4 of the National Quantum Coordination Office to ad-
5 dress any counterintelligence risks or other foreign
6 threats identified as a result of an assessment under
7 paragraph (3);

8 “(5) assess the export of technology associated
9 with quantum information science and recommend
10 to the Secretaries of Commerce, Defense, and State
11 export controls necessary to protect the economic
12 and security interests of the United States as a re-
13 sult of such assessment;

14 “(6) recommend to Federal departments and
15 agencies investment strategies in quantum informa-
16 tion science that advance the economic and security
17 interest of the United States;

18 “(7) recommend to the Director of National In-
19 telligence, the Secretary of Defense, and the Sec-
20 retary of Energy, appropriate protections to address
21 counterintelligence risks or other foreign threats
22 identified as a result of the assessment under para-
23 graph (3); and

24 “(8) in coordination with the Subcommittee on
25 Quantum Information Science, ensure the approach

1 of the United States to investments of the Federal
2 Government in quantum information science re-
3 search and development reflects a balance between
4 scientific progress and the potential economic and
5 security implications of such progress.

6 “(e) TECHNICAL AND ADMINISTRATIVE SUPPORT.—

7 “(1) IN GENERAL.—The Secretary of Defense,
8 the Secretary of Energy, the Director of National
9 Intelligence, and the Director of the National Quan-
10 tum Coordination Office may provide to the Sub-
11 committee personnel, equipment, facilities, and such
12 other technical and administrative support as may
13 be necessary for the Subcommittee to carry out the
14 responsibilities of the Subcommittee under this sec-
15 tion.

16 “(2) SUPPORT RELATED TO CLASSIFIED INFOR-
17 MATION.—The Director of the Office of Science and
18 Technology Policy, and (to the extent practicable)
19 the Secretary of Defense and the Director of Na-
20 tional Intelligence, shall provide to the Sub-
21 committee technical and administrative support re-
22 lated to the responsibilities of the Subcommittee that
23 involve classified information, including support re-
24 lated to sensitive compartmented information facili-
25 ties and the storage of classified information.”.

1 (b) SUNSET FOR SUBCOMMITTEE.—

2 (1) INCLUSION IN SUNSET PROVISION.—Such
3 title is further amended in section 106, as redesign-
4 nated by subsection (a), by striking “103, and 104”
5 and inserting “103, 104, and 105”.

6 (2) EFFECTIVE DATE.—The amendments made
7 by subsection (a) shall take effect as if included in
8 the enactment of the National Quantum Initiative
9 Act (15 U.S.C. 8801 note et al.).

10 (c) CONFORMING AMENDMENTS.—The National
11 Quantum Initiative Act (15 U.S.C. 8801 note et al.) is
12 further amended—

13 (1) in section 2, by striking paragraph (7) and
14 inserting the following new paragraphs:

15 “(7) SUBCOMMITTEE ON ECONOMIC AND SECUR-
16 RITY IMPLICATIONS.—The term ‘Subcommittee on
17 Economic and Security Implications’ means the Sub-
18 committee on the Economic and Security Implica-
19 tions of Quantum Information Science established
20 under section 105(a).

21 “(8) SUBCOMMITTEE ON QUANTUM INFORMA-
22 TION SCIENCE.—The term ‘Subcommittee on Quan-
23 tum Information Science’ means the Subcommittee
24 on Quantum Information Science of the National

1 Science and Technology Council established under
2 section 103(a).”;

3 (2) in section 102(b)(1)—

4 (A) in subparagraph (A), by striking “;
5 and” and inserting “on Quantum Information
6 Science;”;

7 (B) in subparagraph (B), by inserting
8 “and” after the semicolon; and

9 (C) by adding at the end the following new
10 subparagraph:

11 “(C) the Subcommittee on Economic and
12 Security Implications;” and

13 (3) in section 104(d)(1), by striking “ and the
14 Subcommittee” and inserting “, the Subcommittee
15 on Quantum Information Science, and the Sub-
16 committee on Economic and Security Implications”

17 (d) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of the National Quantum Initiative Act
19 (15 U.S.C. 8801 note et al.) is amended by striking the
20 item relating to section 105 and inserting the following
21 new items:

“105. Subcommittee on the Economic and Security Implications of Quantum In-
formation Science.

“106. Sunset.”.

1 **SEC. 6497. REPORT ON EFFECTIVENESS OF TALIBAN SANC-**
2 **TIONS.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Secretary of the Treasury shall sub-
5 mit to Congress a report on the status of United States
6 and United Nations sanctions imposed with respect to the
7 Taliban that includes—

8 (1) a description of any gaps in current sanc-
9 tions authorities to block the Taliban's sources of fi-
10 nance given the current situation in Afghanistan and
11 the Taliban's takeover;

12 (2) recommendations for ways current sanctions
13 can be enhanced to block the Taliban's profit from
14 the drug trade and the trade of rare earth minerals,
15 as well as from economic relations between the
16 Taliban and China; and

17 (3) a list of current waivers and licenses grant-
18 ed with respect to sanctions imposed with respect to
19 Afghanistan, the reasons behind them, and how such
20 waivers and licenses affect the Taliban's financing.

21 **SEC. 6498. REPORT ON NET WORTH OF SYRIAN PRESIDENT**
22 **BASHAR AL-ASSAD.**

23 (a) **IN GENERAL.**—Not later than 120 days after the
24 date of the enactment of this Act, the Secretary of State
25 shall submit to the Committee on Foreign Affairs of the
26 House of Representatives and the Committee on Foreign

1 Relations of the Senate a report on the estimated net
2 worth and known sources of income of Syrian President
3 Bashar al-Assad and his family members (including
4 spouse, children, siblings, and paternal and maternal cous-
5 ins), including income from corrupt or illicit activities and
6 including assets, investments, other business interests,
7 and relevant beneficial ownership information.

8 (b) FORM.—The report required by subsection (a)
9 shall be submitted in unclassified form, but may contain
10 a classified annex if necessary. The unclassified portion
11 of such report shall be made available on a publicly avail-
12 able internet website of the Federal Government.

13 **SEC. 6499. REPORT ON ASSISTANCE TO TURKMENISTAN.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Secretary of State, in coordination
16 with the Administrator of the United States Agency for
17 International Development, shall submit to the Committee
18 on Foreign Affairs of the House of Representatives and
19 the Committee on Foreign Relations of the Senate a re-
20 port on the impact of assistance provided to Turkmenistan
21 that includes the following:

22 (1) A description of assistance provided or in-
23 tended to be provided to Turkmenistan.

24 (2) A description of the objectives, and progress
25 meeting such objectives, of such assistance, includ-

1 ing as it relates to a strategy on United States en-
2 gagement with Turkmenistan.

3 (3) An assessment of the impact on public
4 health outcomes related to COVID-19 in
5 Turkmenistan.

6 (4) A description of metrics and evidence used
7 to measure such outcomes.

8 **SEC. 6499A. REPORT ON SPACE DEBRIS AND LOW EARTH**
9 **ORBIT SATELLITES.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the National Space
12 Council shall submit to the appropriate congressional com-
13 mittees a report that includes—

14 (1) an assessment of the risks space debris or-
15 biting the Earth imposes on night sky luminance,
16 collision risk, radio interference, astronomical data
17 loss by satellite streaks, and other potential factors
18 relevant to space exploration, research, and national
19 security; and

20 (2) the current and future impact of low Earth
21 orbit satellites on night sky luminance and how such
22 satellites may impact space exploration, research,
23 and national security.

1 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Committee on Armed Services, the
5 Committee on Science, Space, and Technology, and
6 the Committee on Energy and Commerce of the
7 House of Representatives; and

8 (2) the Committee on Armed Services and Com-
9 mittee on Commerce, Science, and Transportation of
10 the Senate.

11 **SEC. 6499B. STUDY ON SUPPLY CHAINS CRITICAL TO NA-**
12 **TIONAL SECURITY.**

13 Not later than 180 days after the date of the enact-
14 ment of this Act, the Director of National Intelligence and
15 the Director of the Central Intelligence Agency shall joint-
16 ly—

17 (1) complete a study—

18 (A) to identify—

19 (i) supply chains that are critical to
20 the national security, economic security, or
21 public health or safety of the United
22 States; and

23 (ii) important vulnerabilities in such
24 supply chains; and

1 (B) to develop recommendations for legis-
2 lative or administrative action to secure the
3 supply chains identified under subparagraph
4 (A)(i); and

5 (2) submit to the congressional intelligence
6 committees (as that term is defined in section 3 of
7 the National Security Act of 1947 (50 U.S.C.
8 3003)) the findings of the directors with respect to
9 the study conducted under paragraph (1).

10 **SEC. 6499C. STRATEGY FOR ENGAGEMENT WITH SOUTH-**
11 **EAST ASIA AND ASEAN.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of State,
14 in consultation with the heads of other Federal depart-
15 ments and agencies as appropriate, shall develop and sub-
16 mit to the appropriate congressional committees a com-
17 prehensive strategy for engagement with Southeast Asia
18 and the Association of Southeast Asian Nations
19 (ASEAN).

20 (b) MATTERS TO BE INCLUDED.—The strategy re-
21 quired by subsection (a) shall include the following:

22 (1) A statement of enduring United States in-
23 terests in Southeast Asia and a description of efforts
24 to bolster the effectiveness of ASEAN.

25 (2) A description of efforts to—

1 (A) deepen and expand Southeast Asian al-
2 liances, partnerships, and multilateral engage-
3 ments, including efforts to expand broad based
4 and inclusive economic growth, security ties, se-
5 curity cooperation and interoperability, eco-
6 nomic connectivity, and expand opportunities
7 for ASEAN to work with other like-minded
8 partners in the region; and

9 (B) encourage like-minded partners outside
10 of the Indo-Pacific region to engage with
11 ASEAN.

12 (3) A summary of initiatives across the whole
13 of the United States Government to strengthen the
14 United States partnership with Southeast Asian na-
15 tions and ASEAN, including to promote broad based
16 and inclusive economic growth, trade, investment,
17 energy innovation and sustainability, public-private
18 partnerships, physical and digital infrastructure de-
19 velopment, education, disaster management, public
20 health and global health security, and economic, po-
21 litical, and public diplomacy in Southeast Asia.

22 (4) A summary of initiatives across the whole
23 of the United States Government to enhance the ca-
24 pacity of Southeast Asian nations with respect to en-
25 forcing international law and multilateral sanctions,

1 and initiatives to cooperate with ASEAN as an insti-
2 tution in these areas.

3 (5) A summary of initiatives across the whole
4 of the United States Government to promote human
5 rights and democracy, to strengthen the rule of law,
6 civil society, and transparent governance, to combat
7 disinformation and to protect the integrity of elec-
8 tions from outside influence.

9 (6) A summary of initiatives to promote secu-
10 rity cooperation and security assistance within
11 Southeast Asian nations, including—

12 (A) maritime security and maritime do-
13 main awareness initiatives for protecting the
14 maritime commons and supporting international
15 law and freedom of navigation in the South
16 China Sea; and

17 (B) efforts to combat terrorism, human
18 trafficking, piracy, and illegal fishing, and pro-
19 mote more open, reliable routes for sea lines of
20 communication.

21 (c) DISTRIBUTION OF STRATEGY.—For the purposes
22 of assuring allies and partners in Southeast Asia and
23 deepening United States engagement with ASEAN, the
24 Secretary of State shall direct each United States chief
25 of mission to ASEAN and its member states to distribute

1 the strategy required by subsection (a) to host govern-
2 ments.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the Committee on Foreign Affairs and the
7 Committee on Armed Services of the House of Rep-
8 resentatives; and

9 (2) the Committee on Foreign Relations and
10 the Committee on Armed Services of the Senate.

11 **SEC. 6499D. REPRESENTATION AND LEADERSHIP OF**
12 **UNITED STATES IN COMMUNICATIONS**
13 **STANDARDS-SETTING BODIES.**

14 (a) IN GENERAL.—In order to enhance the represen-
15 tation of the United States and promote United States
16 leadership in standards-setting bodies that set standards
17 for 5G networks and for future generations of wireless
18 communications networks, the Assistant Secretary shall,
19 in consultation with the National Institute of Standards
20 and Technology—

21 (1) equitably encourage participation by compa-
22 nies and a wide variety of relevant stakeholders, but
23 not including any company or relevant stakeholder
24 that the Assistant Secretary has determined to be
25 not trusted, (to the extent such standards-setting

1 bodies allow such stakeholders to participate) in
2 such standards-setting bodies; and

3 (2) equitably offer technical expertise to compa-
4 nies and a wide variety of relevant stakeholders, but
5 not including any company or relevant stakeholder
6 that the Assistant Secretary has determined to be
7 not trusted, (to the extent such standards-setting
8 bodies allow such stakeholders to participate) to fa-
9 cilitate such participation.

10 (b) STANDARDS-SETTING BODIES.—The standards-
11 setting bodies referred to in subsection (a) include—

12 (1) the International Organization for Stand-
13 ardization;

14 (2) the voluntary standards-setting bodies that
15 develop protocols for wireless devices and other
16 equipment, such as the 3GPP and the Institute of
17 Electrical and Electronics Engineers; and

18 (3) any standards-setting body accredited by
19 the American National Standards Institute or Alli-
20 ance for Telecommunications Industry Solutions.

21 (c) BRIEFING.—Not later than 60 days after the date
22 of the enactment of this Act, the Assistant Secretary shall
23 brief the Committees on Energy and Commerce and For-
24 eign Affairs of the House of Representatives and the Com-
25 mittees on Commerce, Science, and Transportation and

1 Foreign Relations of the Senate on a strategy to carry
2 out subsection (a).

3 (d) DEFINITIONS.—In this section:

4 (1) 3GPP.—The term “3GPP” means the 3rd
5 Generation Partnership Project.

6 (2) 5G NETWORK.—The term “5G network”
7 means a fifth-generation mobile network as de-
8 scribed by 3GPP Release 15 or higher.

9 (3) ASSISTANT SECRETARY.—The term “Assist-
10 ant Secretary” means the Assistant Secretary of
11 Commerce for Communications and Information.

12 (4) CLOUD COMPUTING.—The term “cloud
13 computing” has the meaning given the term in Spe-
14 cial Publication 800–145 of the National Institute of
15 Standards and Technology, entitled “The NIST Def-
16 inition of Cloud Computing”, published in Sep-
17 tember 2011, or any successor publication.

18 (5) COMMUNICATIONS NETWORK.—The term
19 “communications network” means any of the fol-
20 lowing:

21 (A) A system enabling the transmission,
22 between or among points specified by the user,
23 of information of the user’s choosing.

24 (B) Cloud computing resources.

1 (C) A network or system used to access
2 cloud computing resources.

3 (6) NOT TRUSTED.—The term “not trusted”
4 means, with respect to a company or stakeholder,
5 that the company or stakeholder is determined by
6 the Assistant Secretary to pose a threat to the na-
7 tional security of the United States. In making such
8 a determination, the Assistant Secretary shall rely
9 solely on one or more of the following determina-
10 tions:

11 (A) A specific determination made by any
12 executive branch interagency body with appro-
13 priate national security expertise, including the
14 Federal Acquisition Security Council estab-
15 lished under section 1322(a) of title 41, United
16 States Code.

17 (B) A specific determination made by the
18 Department of Commerce pursuant to Execu-
19 tive Order No. 13873 (84 Fed. Reg. 22689; re-
20 lating to securing the information and commu-
21 nications technology and services supply chain).

22 (C) Whether a company or stakeholder
23 produces or provides covered telecommuni-
24 cations equipment or services, as defined in sec-
25 tion 889(f)(3) of the John S. McCain National

1 Defense Authorization Act for Fiscal Year 2019
2 (Public Law 115–232; 132 Stat. 1918).

3 **SEC. 6499E. MALIGN FOREIGN TALENT RECRUITMENT PRO-**
4 **GRAM PROHIBITION.**

5 (a) **IN GENERAL.**—Not later than 18 months after
6 the date of enactment of this Act, each Federal research
7 agency shall establish a requirement that, as part of a pro-
8 posal for a research and development award from the
9 agency—

10 (1) each covered individual listed in the pro-
11 posal for a research and development award certify
12 that they are not a party to a malign foreign talent
13 recruitment program from a foreign country of con-
14 cern in their proposal submission and annually
15 thereafter for the duration of the award; and

16 (2) each institution of higher education or other
17 organization applying for such an award certify that
18 each covered individual who is employed by the insti-
19 tution of higher education or other organization has
20 been made aware of the requirement under this sec-
21 tion.

22 (b) **INTERNATIONAL COLLABORATION.**—Each policy
23 developed under subsection (a) shall not prohibit—

1 (1) making scholarly presentations and pub-
2 lishing written materials regarding scientific infor-
3 mation not otherwise controlled under current law;

4 (2) participation in international conferences or
5 other international exchanges, research projects or
6 programs that involve open and reciprocal exchange
7 of scientific information, and which are aimed at ad-
8 vancing international scientific understanding;

9 (3) advising a foreign student enrolled at the
10 covered individual's institution of higher education
11 or writing a recommendation for such a student, at
12 the student's request; and

13 (4) other international activities deemed appro-
14 priate by the Federal research agency head or their
15 designee.

16 (c) LIMITATION.—The certifications required under
17 subsection (a) shall not apply retroactively to research and
18 development awards made prior to the establishment of
19 the policy by the Federal research agency.

20 (d) DEFINITIONS.—In this section:

21 (1) The term “covered individual” means an in-
22 dividual who—

23 (A) contributes in a substantive, meaning-
24 ful way to the scientific development or execu-
25 tion of a research and development project pro-

1 posed to be carried out with a research and de-
2 velopment award from a Federal research agen-
3 cy; and

4 (B) is designated as a covered individual
5 by the Federal research agency concerned.

6 (2) The term “Federal research agency” means
7 any Federal agency with an annual extramural re-
8 search expenditure of over \$100,000,000.

9 (3) The term “foreign country of concern”
10 means the People’s Republic of China, the Demo-
11 cratic People’s Republic of Korea, the Russian Fed-
12 eration, the Islamic Republic of Iran, or any other
13 country deemed to be a country of concern as deter-
14 mined by the Department of State.

15 (4) The term “Malign foreign talent program”
16 means any program, position, or activity that in-
17 cludes compensation, including cash, research fund-
18 ing, promised future compensation, or things of
19 value, directly provided by the foreign state at any
20 level (national, provincial or local) or other foreign
21 entity, whether or not directly sponsored by the for-
22 eign state, to the targeted individual in exchange for
23 the individual—

24 (A) transferring intellectual property, ma-
25 terials, or data products owned by a U.S. entity

1 or developed with a federal research and devel-
2 opment award exclusively to the foreign coun-
3 try's government or other foreign entity regard-
4 less of whether that government or entity pro-
5 vided support for the development of the intel-
6 lectual property, materials, or data products;

7 (B) being required to recruit students or
8 researchers to enroll in malign foreign talent
9 programs sponsored by the foreign state or en-
10 tity; or

11 (C) establishing a laboratory, accepting a
12 faculty position, or undertaking any other em-
13 ployment or appointment in the foreign state or
14 entity contrary to the standard terms and con-
15 ditions of a federal research and development
16 award.

17 (5) The term "research and development
18 award" means support provided to an individual or
19 entity by a Federal research agency to carry out re-
20 search and development activities, which may include
21 support in the form of a grant, contract, cooperative
22 agreement, or other such transaction. The term does
23 not include a grant, contract, agreement or other
24 transaction for the procurement of goods or services

1 to meet the administrative needs of a Federal re-
2 search agency.

3 **SEC. 6499F. NATIONAL EQUAL PAY ENFORCEMENT TASK**
4 **FORCE.**

5 (a) IN GENERAL.—There is established the National
6 Equal Pay Enforcement Task Force, consisting of rep-
7 resentatives from the Equal Employment Opportunity
8 Commission, the Department of Justice, the Department
9 of Labor, and the Office of Personnel Management.

10 (b) MISSION.—In order to improve compliance, public
11 education, and enforcement of equal pay laws, the Na-
12 tional Equal Pay Enforcement Task Force will ensure that
13 the agencies in subsection (a) are coordinating efforts and
14 limiting potential gaps in enforcement.

15 (c) DUTIES.—The National Equal Pay Enforcement
16 Task Force shall investigate challenges related to pay in-
17 equity pursuant to its mission in subsection (b), advance
18 recommendations to address those challenges, and create
19 action plans to implement the recommendations.

20 **SEC. 6499G. ENSURING THAT CONTRACTOR EMPLOYEES ON**
21 **ARMY CORPS PROJECTS ARE PAID PRE-**
22 **VAILING WAGES AS REQUIRED BY LAW.**

23 The Assistant Secretary of the Army for Civil Works
24 shall provide to each Army Corps district clarifying, uni-
25 form guidance with respect to prevailing wage require-

1 ments for contractors and subcontractors of the Army
2 Corps that—

3 (1) conforms with the Department of Labor’s
4 regulations, policies, and guidance with respect to
5 the proper implementation and enforcement of sub-
6 chapter IV of chapter 31 of title 40, United States
7 Code (commonly known as the “Davis-Bacon Act”)
8 and other related Acts, including the proper classi-
9 fication of all crafts by Federal construction contrac-
10 tors and subcontractors;

11 (2) directs Army Corps districts to investigate
12 worker complaints and third-party complaints within
13 30 days of the date of filing; and

14 (3) instructs Army Corps districts that certified
15 payroll reports submitted by contractors and sub-
16 contractors and the information contained therein
17 shall be publicly available and are not exempt from
18 disclosure under section 552(b) of title 5, United
19 States Code.

20 **SEC. 6499H. DEFINITION OF LAND USE REVENUE UNDER**
21 **WEST LOS ANGELES LEASING ACT OF 2016.**

22 Section 2(d)(2) of the West Los Angeles Leasing Act
23 of 2016 (Public Law 114–226) is amended—

24 (1) in subparagraph (A), by striking “; and”
25 and inserting a semicolon;

1 (2) by redesignating subparagraph (B) as sub-
2 paragraph (C); and

3 (3) by inserting after subparagraph (A) the fol-
4 lowing new subparagraph:

5 “(B) to the extent specified in advance in
6 an appropriations Act for a fiscal year, any
7 funds received as compensation for an easement
8 described in subsection (e); and”.

9 **SEC. 6499I. AMENDMENT TO RADIATION EXPOSURE COM-**
10 **PENSATION ACT.**

11 Section 2(a)(1) of the Radiation Exposure Com-
12 pensation Act (Public Law 101–426; 42 U.S.C. 2210
13 note) is amended by inserting “, including individuals in
14 New Mexico, Idaho, Colorado, Arizona, Utah, Texas, Wyo-
15 ming, Oregon, Washington, South Dakota, North Dakota,
16 Nevada, Guam, and the Northern Mariana Islands,” after
17 “tests exposed individuals”.

1 **SEC. 6499J. LIMITATION ON LICENSES AND OTHER AU-**
2 **THORIZATIONS FOR EXPORT OF CERTAIN**
3 **ITEMS REMOVED FROM THE JURISDICTION**
4 **OF THE UNITED STATES MUNITIONS LIST**
5 **AND MADE SUBJECT TO THE JURISDICTION**
6 **OF THE EXPORT ADMINISTRATION REGULA-**
7 **TIONS.**

8 (a) IN GENERAL.—The Secretary of Commerce may
9 not grant a license or other authorization for the export
10 of covered items unless before granting the license or other
11 authorization the Secretary submits to the chairman and
12 ranking member of the Committee on Foreign Affairs of
13 the House of Representatives and the chairman and rank-
14 ing member of the Committee on Foreign Affairs of the
15 Senate a written certification with respect to such pro-
16 posed export license or other authorization containing—

17 (1) the name of the person applying for the li-
18 cense or other authorization;

19 (2) the name of the person who is the proposed
20 recipient of the export;

21 (3) the name of the country or international or-
22 ganization to which the export will be made;

23 (4) a description of the items proposed to be ex-
24 ported; and

25 (5) the value of the items proposed to be ex-
26 ported.

1 (b) FORM.—A certification required under subsection
2 (a) shall be submitted in unclassified form, except that
3 information regarding the dollar value and number of
4 items proposed to be exported may be restricted from pub-
5 lic disclosure if such disclosure would be detrimental to
6 the security of the United States.

7 (c) DEADLINES; WAIVER.—A certification required
8 under subsection (a) shall be submitted—

9 (1) at least 15 calendar days before a proposed
10 export license or other authorization is granted in
11 the case of a transfer of items to a country which
12 is a member of the North Atlantic Treaty Organiza-
13 tion or Australia, Japan, the Republic of Korea,
14 Israel, or New Zealand, and

15 (2) at least 30 calendar days before a proposed
16 export license or other authorization is issued in the
17 case of a transfer of items to any other country.

18 (d) CONGRESSIONAL RESOLUTION OF DIS-
19 APPROVAL.—A proposed export license or other authoriza-
20 tion described in paragraph (1) of subsection (c) shall be-
21 come effective after the end of the 15-day period described
22 in such paragraph, and a proposed export license or other
23 authorization described in paragraph (2) of subsection (c)
24 shall become effective after the end of the 30-day period
25 specified in such paragraph, only if the Congress does not

1 enact, within the applicable time period, a joint resolution
2 prohibiting the export of items with respect to the pro-
3 posed export license.

4 (e) DEFINITIONS.—In this section:

5 (1) COVERED ITEMS.—The term “covered
6 items” means items that—

7 (A) were included in category I of the
8 United States Munitions List (as in effect on
9 January 1, 2020);

10 (B) were removed from the United States
11 Munitions List and made subject to the juris-
12 diction of the Export Administration Regula-
13 tions through publication in the Federal Reg-
14 ister on January 23, 2020; and

15 (C) are valued at \$1,000,000 or more.

16 (2) EXPORT ADMINISTRATION REGULATIONS.—
17 The term “Export Administration Regulations”
18 means the regulations set forth in subchapter C of
19 chapter VII of title 15, Code of Federal Regulations,
20 or successor regulations.

21 (3) UNITED STATES MUNITIONS LIST.—The
22 term “United States Munitions List” means the list
23 maintained pursuant to part 121 of title 22, Code
24 of Federal Regulations.

1 **SEC. 6499K. STUDY ON FACTORS AFFECTING EMPLOYMENT**
2 **OPPORTUNITIES FOR IMMIGRANTS AND REF-**
3 **UGEES WITH PROFESSIONAL CREDENTIALS**
4 **OBTAINED IN FOREIGN COUNTRIES.**

5 (a) STUDY REQUIRED.—

6 (1) IN GENERAL.—The Secretary of Labor shall
7 conduct a study on the factors affecting employment
8 opportunities in the United States for applicable im-
9 migrants and refugees with professional credentials
10 obtained in countries other than the United States.

11 (2) COORDINATION.—The Department of Labor
12 shall conduct this study in coordination with the
13 Secretary of State, the Secretary of Education, the
14 Secretary of Health and Human Services, the Sec-
15 retary of Commerce, the Secretary of Homeland Se-
16 curity, the Administrator of the Internal Revenue
17 Service, and the Commissioner of the Social Security
18 Administration.

19 (3) WORK WITH OTHER ENTITIES.—The Sec-
20 retary of Labor shall seek to work with relevant non-
21 profit organizations and State agencies to use the
22 existing data and resources of such entities to con-
23 duct the study in paragraph (1).

24 (4) LIMITATIONS ON DISCLOSURE.—Any infor-
25 mation provided to the Secretary of Labor under
26 this subsection shall be used only for the purposes

1 of, and to the extent necessary to ensure the effi-
2 cient operation of, the study described in paragraph
3 (1). No such information shall be disclosed to any
4 other person or entity except as provided in this sub-
5 section.

6 (b) INCLUSIONS.—The study under subsection (a)(1)
7 shall include the following:

8 (1) An analysis of the employment history of
9 applicable immigrants and refugees admitted to the
10 United States in the last 5 years. This analysis shall
11 include, to the extent practicable, a comparison of
12 the employment applicable immigrants and refugees
13 held prior to immigrating to the United States with
14 the employment obtained in the United States, if
15 any, since the arrival of such applicable immigrants
16 and refugees. This analysis shall also note the occu-
17 pational and professional credentials and academic
18 degrees held by applicable immigrants and refugees
19 prior to immigrating to the United States.

20 (2) An assessment of any barriers that prevent
21 applicable immigrants and refugees from using occu-
22 pational experience obtained outside the United
23 States to obtain employment opportunities in the
24 United States.

1 (3) An analysis of existing public and private
2 resources assisting applicable immigrants and refu-
3 gees who have professional experience and qualifica-
4 tions obtained outside the United States with using
5 such professional experience and qualifications to ob-
6 tain skill-appropriate employment opportunities in
7 the United States.

8 (4) Policy recommendations for better enabling
9 applicable immigrants and refugees who have profes-
10 sional experience and qualifications obtained outside
11 the United States to use such professional experi-
12 ence and qualifications to obtain skill-appropriate
13 employment opportunities in the United States.

14 (c) REPORT.—Not later than 18 months after the
15 date of the enactment of this Act, the Secretary of Labor
16 shall submit to Congress and make publically available on
17 the website of the Department of Labor a report that de-
18 scribes the results of the study conducted under subsection
19 (a)(1).

20 (d) DEFINITIONS.—

21 (1) APPLICABLE IMMIGRANTS AND REFU-
22 GEES.—For the purposes of this section, the term
23 “applicable immigrants and refugees”—

24 (A) means individuals who are—

1 (i) not citizens or nationals of the
2 United States but who are lawfully present
3 and authorized to be employed; or

4 (ii) naturalized citizens born outside
5 of the United States and its outlying pos-
6 sessions; and

7 (B) includes individuals described in sec-
8 tion 602(b)(2) of the Afghan Allies Protection
9 Act of 2009 (8 U.S.C. 1101 note).

10 (2) OTHER TERMS.—Except as otherwise de-
11 fined in this subsection, terms used in this section
12 have the definitions given such terms under section
13 101(a) of the Immigration and Nationality Act (8
14 U.S.C. 1101(a)).

15 **TITLE LXV—SECURING AND ENA-**
16 **BLING COMMERCE USING RE-**
17 **MOTE AND ELECTRONIC NO-**
18 **TARIZATION**

19 **SEC. 6501. DEFINITIONS.**

20 In this title:

21 (1) COMMUNICATION TECHNOLOGY.—The term
22 “communication technology”, with respect to a nota-
23 rization, means an electronic device or process that
24 allows the notary public performing the notarization
25 and a remotely located individual to communicate

1 with each other simultaneously by sight and sound
2 during the notarization.

3 (2) ELECTRONIC; ELECTRONIC RECORD; ELEC-
4 TRONIC SIGNATURE; INFORMATION; PERSON;
5 RECORD.—The terms “electronic”, “electronic
6 record”, “electronic signature”, “information”, “per-
7 son”, and “record” have the meanings given those
8 terms in section 106 of the Electronic Signatures in
9 Global and National Commerce Act (15 U.S.C.
10 7006).

11 (3) LAW.—The term “law” includes any stat-
12 ute, regulation, rule, or rule of law.

13 (4) NOTARIAL OFFICER.—The term “notarial
14 officer” means—

15 (A) a notary public; or

16 (B) any other individual authorized to per-
17 form a notarization under the laws of a State
18 without a commission or appointment as a no-
19 tary public.

20 (5) NOTARIAL OFFICER’S STATE; NOTARY PUB-
21 LIC’S STATE.—The term “notarial officer’s State” or
22 “notary public’s State” means the State in which a
23 notarial officer, or a notary public, as applicable, is
24 authorized to perform a notarization.

1 (6) NOTARIZATION.—The term “notariza-
2 tion”—

3 (A) means any act that a notarial officer
4 may perform under—

5 (i) Federal law, including this title; or

6 (ii) the laws of the notarial officer’s

7 State; and

8 (B) includes any act described in subpara-
9 graph (A) and performed by a notarial officer—

10 (i) with respect to—

11 (I) a tangible record; or

12 (II) an electronic record; and

13 (ii) for—

14 (I) an individual in the physical
15 presence of the notarial officer; or

16 (II) a remotely located individual.

17 (7) NOTARY PUBLIC.—The term “notary pub-
18 lic” means an individual commissioned or appointed
19 as a notary public to perform a notarization under
20 the laws of a State.

21 (8) PERSONAL KNOWLEDGE.—The term “per-
22 sonal knowledge”, with respect to the identity of an
23 individual, means knowledge of the identity of the
24 individual through dealings sufficient to provide rea-

1 sonable certainty that the individual has the identity
2 claimed.

3 (9) REMOTELY LOCATED INDIVIDUAL.—The
4 term “remotely located individual”, with respect to
5 a notarization, means an individual who is not in the
6 physical presence of the notarial officer performing
7 the notarization.

8 (10) REQUIREMENT.—The term “requirement”
9 includes a duty, a standard of care, and a prohibi-
10 tion.

11 (11) SIGNATURE.—The term “signature”
12 means—

13 (A) an electronic signature; or

14 (B) a tangible symbol executed or adopted
15 by a person and evidencing the present intent
16 to authenticate or adopt a record.

17 (12) SIMULTANEOUSLY.—The term “simulta-
18 neously”, with respect to a communication between
19 parties—

20 (A) means that each party communicates
21 substantially simultaneously and without unrea-
22 sonable interruption or disconnection; and

23 (B) includes any reasonably short delay
24 that is inherent in, or common with respect to,
25 the method used for the communication.

- 1 (13) STATE.—The term “State”—
2 (A) means—
3 (i) any State of the United States;
4 (ii) the District of Columbia;
5 (iii) the Commonwealth of Puerto
6 Rico;
7 (iv) any territory or possession of the
8 United States; and
9 (v) any federally recognized Indian
10 Tribe; and
11 (B) includes any executive, legislative, or
12 judicial agency, court, department, board, of-
13 fice, clerk, recorder, register, registrar, commis-
14 sion, authority, institution, instrumentality,
15 county, municipality, or other political subdivi-
16 sion of an entity described in any of clauses (i)
17 through (v) of subparagraph (A).

18 **SEC. 6502. AUTHORIZATION TO PERFORM AND MINIMUM**
19 **STANDARDS FOR ELECTRONIC NOTARIZA-**
20 **TION.**

21 (a) AUTHORIZATION.—Unless prohibited under sec-
22 tion 6109, and subject to subsection (b), a notary public
23 may perform a notarization that occurs in or affects inter-
24 state commerce with respect to an electronic record.

1 (b) REQUIREMENTS OF ELECTRONIC NOTARIZA-
2 TION.—If a notary public performs a notarization under
3 subsection (a), the following requirements shall apply with
4 respect to the notarization:

5 (1) The electronic signature of the notary pub-
6 lic, and all other information required to be included
7 under other applicable law, shall be attached to or
8 logically associated with the electronic record.

9 (2) The electronic signature and other informa-
10 tion described in paragraph (1) shall be bound to
11 the electronic record in a manner that renders any
12 subsequent change or modification to the electronic
13 record evident.

14 **SEC. 6503. AUTHORIZATION TO PERFORM AND MINIMUM**
15 **STANDARDS FOR REMOTE NOTARIZATION.**

16 (a) AUTHORIZATION.—Unless prohibited under sec-
17 tion 6109, and subject to subsection (b), a notary public
18 may perform a notarization that occurs in or affects inter-
19 state commerce for a remotely located individual.

20 (b) REQUIREMENTS OF REMOTE NOTARIZATION.—If
21 a notary public performs a notarization under subsection
22 (a), the following requirements shall apply with respect to
23 the notarization:

1 (1) The remotely located individual shall appear
2 personally before the notary public at the time of the
3 notarization by using communication technology.

4 (2) The notary public shall—

5 (A) reasonably identify the remotely lo-
6 cated individual—

7 (i) through personal knowledge of the
8 identity of the remotely located individual;

9 or

10 (ii) by obtaining satisfactory evidence
11 of the identity of the remotely located indi-
12 vidual by—

13 (I) using not fewer than 2 dis-
14 tinct types of processes or services
15 through which a third person provides
16 a means to verify the identity of the
17 remotely located individual through a
18 review of public or private data
19 sources; or

20 (II) oath or affirmation of a
21 credible witness who—

22 (aa)(AA) is in the physical
23 presence of the notary public or
24 the remotely located individual;
25 or

1 (BB) appears personally be-
2 fore the notary public and the re-
3 motely located individual by
4 using communication technology;

5 (bb) has personal knowledge
6 of the identity of the remotely lo-
7 cated individual; and

8 (cc) has been identified by
9 the notary public under clause (i)
10 or subclause (I) of this clause;

11 (B) either directly or through an agent—

12 (i) create an audio and visual record-
13 ing of the performance of the notarization;
14 and

15 (ii) notwithstanding any resignation
16 from, or revocation, suspension, or termi-
17 nation of, the notary public's commission
18 or appointment, retain the recording cre-
19 ated under clause (i) as a notarial
20 record—

21 (I) for a period of not less
22 than—

23 (aa) if an applicable law of
24 the notary public's State specifies

1 a period of retention, the greater
2 of—
3 (AA) that specified pe-
4 riod; or
5 (BB) 5 years after the
6 date on which the recording
7 is created; or
8 (bb) if no applicable law of
9 the notary public’s State specifies
10 a period of retention, 10 years
11 after the date on which the re-
12 cording is created; and
13 (II) if any applicable law of the
14 notary public’s State govern the con-
15 tent, manner or place of retention, se-
16 curity, use, effect, or disclosure of
17 such recording or any information
18 contained in the recording, in accord-
19 ance with those laws; and
20 (C) if the notarization is performed with
21 respect to a tangible or electronic record, take
22 reasonable steps to confirm that the record be-
23 fore the notary public is the same record with
24 respect to which the remotely located individual

1 made a statement or on which the individual ex-
2 ecuted a signature.

3 (3) If a guardian, conservator, executor, per-
4 sonal representative, administrator, or similar fidu-
5 ciary or successor is appointed for or on behalf of
6 a notary public or a deceased notary public under
7 applicable law, that person shall retain the recording
8 under paragraph (2)(B)(ii), unless—

9 (A) another person is obligated to retain
10 the recording under applicable law of the notary
11 public's State; or

12 (B)(i) under applicable law of the notary
13 public's State, that person may transmit the re-
14 cording to an office, archive, or repository ap-
15 proved or designated by the State; and

16 (ii) that person transmits the recording to
17 the office, archive, or repository described in
18 clause (i) in accordance with applicable law of
19 the notary public's State.

20 (4) If the remotely located individual is phys-
21 ically located outside the geographic boundaries of a
22 State, or is otherwise physically located in a location
23 that is not subject to the jurisdiction of the United
24 States, at the time of the notarization—

25 (A) the record shall—

1 (i) be intended for filing with, or re-
2 late to a matter before, a court, govern-
3 mental entity, public official, or other enti-
4 ty that is subject to the jurisdiction of the
5 United States; or

6 (ii) involve property located in the ter-
7 ritorial jurisdiction of the United States or
8 a transaction substantially connected to
9 the United States; and

10 (B) the act of making the statement or
11 signing the record may not be prohibited by a
12 law of the jurisdiction in which the individual is
13 physically located.

14 (c) PERSONAL APPEARANCE SATISFIED.—If a State
15 or Federal law requires an individual to appear personally
16 before or be in the physical presence of a notary public
17 at the time of a notarization, that requirement shall be
18 considered to be satisfied if—

19 (1) the individual—

20 (A) is a remotely located individual; and

21 (B) appears personally before the notary
22 public at the time of the notarization by using
23 communication technology; and

1 (2)(A) the notarization was performed under or
2 relates to a public act, record, or judicial proceeding
3 of the notary public's State; or

4 (B) the notarization occurs in or affects inter-
5 state commerce.

6 **SEC. 6504. RECOGNITION OF NOTARIZATIONS IN FEDERAL**
7 **COURT.**

8 (a) **RECOGNITION OF VALIDITY.**—Each court of the
9 United States shall recognize as valid under the State or
10 Federal law applicable in a judicial proceeding before the
11 court any notarization performed by a notarial officer of
12 any State if the notarization is valid under the laws of
13 the notarial officer's State or under this title.

14 (b) **LEGAL EFFECT OF RECOGNIZED NOTARIZA-**
15 **TION.**—A notarization recognized under subsection (a)
16 shall have the same effect under the State or Federal law
17 applicable in the applicable judicial proceeding as if that
18 notarization was validly performed—

19 (1)(A) by a notarial officer of the State, the law
20 of which is applicable in the proceeding; or

21 (B) under this title or other Federal law; and

22 (2) without regard to whether the notarization
23 was performed—

24 (A) with respect to—

25 (i) a tangible record; or

1 (ii) an electronic record; or

2 (B) for—

3 (i) an individual in the physical pres-
4 ence of the notarial officer; or

5 (ii) a remotely located individual.

6 (c) PRESUMPTION OF GENUINENESS.—In a deter-
7 mination of the validity of a notarization for the purposes
8 of subsection (a), the signature and title of an individual
9 performing the notarization shall be prima facie evidence
10 in any court of the United States that the signature of
11 the individual is genuine and that the individual holds the
12 designated title.

13 (d) CONCLUSIVE EVIDENCE OF AUTHORITY.—In a
14 determination of the validity of a notarization for the pur-
15 poses of subsection (a), the signature and title of the fol-
16 lowing notarial officers of a State shall conclusively estab-
17 lish the authority of the officer to perform the notaria-
18 tion:

19 (1) A notary public of that State.

20 (2) A judge, clerk, or deputy clerk of a court
21 of that State.

1 **SEC. 6505. RECOGNITION BY STATE OF NOTARIZATIONS**
2 **PERFORMED UNDER AUTHORITY OF AN-**
3 **OTHER STATE.**

4 (a) RECOGNITION OF VALIDITY.—Each State shall
5 recognize as valid under the laws of that State any notari-
6 zation performed by a notarial officer of any other State
7 if—

8 (1) the notarization is valid under the laws of
9 the notarial officer's State or under this title; and

10 (2)(A) the notarization was performed under or
11 relates to a public act, record, or judicial proceeding
12 of the notarial officer's State; or

13 (B) the notarization occurs in or affects inter-
14 state commerce.

15 (b) LEGAL EFFECT OF RECOGNIZED NOTARIZA-
16 TION.—A notarization recognized under subsection (a)
17 shall have the same effect under the laws of the recog-
18 nizing State as if that notarization was validly performed
19 by a notarial officer of the recognizing State, without re-
20 gard to whether the notarization was performed—

21 (1) with respect to—

22 (A) a tangible record; or

23 (B) an electronic record; or

24 (2) for—

25 (A) an individual in the physical presence
26 of the notarial officer; or

1 (B) a remotely located individual.

2 (c) PRESUMPTION OF GENUINENESS.—In a deter-
3 mination of the validity of a notarization for the purposes
4 of subsection (a), the signature and title of an individual
5 performing a notarization shall be prima facie evidence in
6 any State court or judicial proceeding that the signature
7 is genuine and that the individual holds the designated
8 title.

9 (d) CONCLUSIVE EVIDENCE OF AUTHORITY.—In a
10 determination of the validity of a notarization for the pur-
11 poses of subsection (a), the signature and title of the fol-
12 lowing notarial officers of a State conclusively establish
13 the authority of the officer to perform the notarization:

14 (1) A notary public of that State.

15 (2) A judge, clerk, or deputy clerk of a court
16 of that State.

17 **SEC. 6506. ELECTRONIC AND REMOTE NOTARIZATION NOT**
18 **REQUIRED.**

19 Nothing in this title may be construed to require a
20 notary public to perform a notarization—

21 (1) with respect to an electronic record;

22 (2) for a remotely located individual; or

23 (3) using a technology that the notary public
24 has not selected.

1 **SEC. 6507. VALIDITY OF NOTARIZATIONS; RIGHTS OF AG-**
2 **GRIEVED PERSONS NOT AFFECTED; STATE**
3 **LAWS ON THE PRACTICE OF LAW NOT AF-**
4 **FECTED.**

5 (a) **VALIDITY NOT AFFECTED.**—The failure of a no-
6 tary public to meet a requirement under section 6102 or
7 6103 in the performance of a notarization, or the failure
8 of a notarization to conform to a requirement under sec-
9 tion 6102 or 6103, shall not invalidate or impair the rec-
10 ognition of the notarization.

11 (b) **RIGHTS OF AGGRIEVED PERSONS.**—The validity
12 and recognition of a notarization under this title may not
13 be construed to prevent an aggrieved person from seeking
14 to invalidate a record or transaction that is the subject
15 of a notarization or from seeking other remedies based on
16 State or Federal law other than this title for any reason
17 not specified in this title, including on the basis—

18 (1) that a person did not, with present intent
19 to authenticate or adopt a record, execute a signa-
20 ture on the record;

21 (2) that an individual was incompetent, lacked
22 authority or capacity to authenticate or adopt a
23 record, or did not knowingly and voluntarily authen-
24 ticate or adopt a record; or

1 (3) of fraud, forgery, mistake, misrepresenta-
2 tion, impersonation, duress, undue influence, or
3 other invalidating cause.

4 (c) **RULE OF CONSTRUCTION.**—Nothing in this title
5 may be construed to affect a State law governing, author-
6 izing, or prohibiting the practice of law.

7 **SEC. 6508. EXCEPTION TO PREEMPTION.**

8 (a) **IN GENERAL.**—A State law may modify, limit, or
9 supersede the provisions of section 6102, or subsections
10 (a) or (b) of section 6103, with respect to State law only
11 if that State law—

12 (1) either—

13 (A) constitutes an enactment or adoption
14 of the Revised Uniform Law on Notarial Acts,
15 as approved and recommended for enactment in
16 all the States by the National Conference of
17 Commissioners on Uniform State Laws in 2018
18 or 2021, except that a modification to such
19 Law enacted or adopted by a State shall be pre-
20 empted to the extent such modification—

21 (i) is inconsistent with a provision of
22 section 6102 or subsections (a) or (b) of
23 section 6103, as applicable; or

24 (ii) would not be permitted under sub-
25 paragraph (B); or

1 (B) specifies additional or alternative pro-
2 cedures or requirements for the performance of
3 notarizations with respect to electronic records
4 or for remotely located individuals, if those ad-
5 ditional or alternative procedures or require-
6 ments—

7 (i) are consistent with section 6102
8 and subsections (a) and (b) of section
9 6103; and

10 (ii) do not accord greater legal effect
11 to the implementation or application of a
12 specific technology or technical specifica-
13 tion for performing those notarizations;
14 and

15 (2) requires the retention of an audio and vis-
16 ual recording of the performance of a notarization
17 for a remotely located individual for a period of not
18 less than 5 years after the recording is created.

19 (b) **RULE OF CONSTRUCTION.**—Nothing in section
20 6104 or 6105 may be construed to preclude the recogni-
21 tion of a notarization under applicable State law, regard-
22 less of whether such State law is consistent with section
23 6104 or 6105.

1 **SEC. 6509. STANDARD OF CARE; SPECIAL NOTARIAL COM-**
2 **MISSIONS.**

3 (a) STATE STANDARDS OF CARE; AUTHORITY OF
4 STATE REGULATORY OFFICIALS.—Nothing in this title
5 may be construed to prevent a State, or a notarial regu-
6 latory official of a State, from—

7 (1) adopting a requirement in this title as a
8 duty or standard of care under the laws of that
9 State or sanctioning a notary public for breach of
10 such a duty or standard of care;

11 (2) establishing requirements and qualifications
12 for, or denying, refusing to renew, revoking, sus-
13 pending, or imposing a condition on, a commission
14 or appointment as a notary public;

15 (3) creating or designating a class or type of
16 commission or appointment, or requiring an endorse-
17 ment or other authorization to be received by a no-
18 tary public, as a condition on the authority to per-
19 form notarizations with respect to electronic records
20 or for remotely located individuals; or

21 (4) prohibiting a notary public from performing
22 a notarization under section 6102 or 6103 as a
23 sanction for a breach of duty or standard of care or
24 for official misconduct.

25 (b) SPECIAL COMMISSIONS OR AUTHORIZATIONS
26 CREATED BY A STATE; SANCTION FOR BREACH OR OFFI-

1 CIAL MISCONDUCT.—A notary public may not perform a
2 notarization under section 6102 or 6103 if—

3 (1)(A) the notary public’s State has enacted a
4 law that creates or designates a class or type of
5 commission or appointment, or requires an endorse-
6 ment or other authorization to be received by a no-
7 tary public, as a condition on the authority to per-
8 form notarizations with respect to electronic records
9 or for remotely located individuals; and

10 (B) the commission or appointment of the no-
11 tary public is not of the class or type or the notary
12 public has not received the endorsement or other au-
13 thorization; or

14 (2) the notarial regulatory official of the notary
15 public’s State has prohibited the notary public from
16 performing the notarization as a sanction for a
17 breach of duty or standard of care or for official
18 misconduct.

19 **SEC. 6510. SEVERABILITY.**

20 If any provision of this title or the application of such
21 provision to any person or circumstance is held to be in-
22 valid or unconstitutional, the remainder of this title and
23 the application of the provisions thereof to other persons
24 or circumstances shall not be affected by that holding.

1 **DIVISION F—DEPARTMENT OF**
2 **STATE AUTHORITIES**
3 **TITLE LXX—DEPARTMENT OF**
4 **STATE AUTHORITIES**

5 **SEC. 7001. SHORT TITLE.**

6 This Act may be cited as the “Department of State
7 Authorization Act of 2021”.

8 **SEC. 7002. DEFINITIONS.**

9 In this division:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means the Committee on Foreign Affairs of
13 the House of Representatives and the Committee on
14 Foreign Relations of the Senate.

15 (2) **DEPARTMENT.**—If not otherwise specified,
16 the term “Department” means the Department of
17 State.

18 (3) **SECRETARY.**—If not otherwise specified, the
19 term “Secretary” means the Secretary of State.

20 **Subtitle A—Organization and Oper-**
21 **ations of the Department of**
22 **State**

23 **SEC. 7101. DIPLOMATIC PROGRAMS.**

24 For “Diplomatic Programs”, there is authorized to
25 be appropriated \$9,476,977,000 for fiscal year 2022.

1 **SEC. 7102. SENSE OF CONGRESS ON IMPORTANCE OF DE-**
2 **PARTMENT OF STATE'S WORK.**

3 It is the sense of Congress that—

4 (1) United States global engagement is key to
5 a stable and prosperous world;

6 (2) United States leadership is indispensable in
7 light of the many complex and interconnected
8 threats facing the United States and the world;

9 (3) diplomacy and development are critical tools
10 of national power, and full deployment of these tools
11 is vital to United States national security;

12 (4) challenges such as the global refugee and
13 migration crises, terrorism, historic famine and food
14 insecurity, and fragile or repressive societies cannot
15 be addressed without sustained and robust United
16 States diplomatic and development leadership;

17 (5) the United States Government must use all
18 of the instruments of national security and foreign
19 policy at its disposal to protect United States citi-
20 zens, promote United States interests and values,
21 and support global stability and prosperity;

22 (6) United States security and prosperity de-
23 pend on having partners and allies that share our in-
24 terests and values, and these partnerships are nur-
25 tured and our shared interests and values are pro-
26 moted through United States diplomatic engage-

1 ment, security cooperation, economic statecraft, and
2 assistance that helps further economic development,
3 good governance, including the rule of law and
4 democratic institutions, and the development of
5 shared responses to natural and humanitarian disas-
6 ters;

7 (7) as the United States Government agencies
8 primarily charged with conducting diplomacy and
9 development, the Department and the United States
10 Agency for International Development (USAID) re-
11 quire sustained and robust funding to carry out this
12 important work, which is essential to our ability to
13 project United States leadership and values and to
14 advance United States interests around the world;

15 (8) the work of the Department and USAID
16 makes the United States and the world safer and
17 more prosperous by alleviating global poverty and
18 hunger, fighting HIV/AIDS and other infectious dis-
19 eases, strengthening alliances, expanding educational
20 opportunities for women and girls, promoting good
21 governance and democracy, supporting anti-corrup-
22 tion efforts, driving economic development and
23 trade, preventing armed conflicts and humanitarian
24 crises, and creating American jobs and export oppor-
25 tunities;

1 (9) the Department and USAID are vital na-
2 tional security agencies, whose work is critical to the
3 projection of United States power and leadership
4 worldwide, and without which Americans would be
5 less safe, United States economic power would be di-
6 minished, and global stability and prosperity would
7 suffer;

8 (10) investing in diplomacy and development
9 before conflicts break out saves American lives while
10 also being cost-effective; and

11 (11) the contributions of personnel working at
12 the Department and USAID are extraordinarily val-
13 uable and allow the United States to maintain its
14 leadership around the world.

15 **SEC. 7103. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND**
16 **LABOR.**

17 Paragraph (2) of section 1(c) of the State Depart-
18 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)
19 is amended—

20 (1) in subparagraph (A), by adding at the end
21 the following new sentence: “All special envoys, am-
22 bassadors, and coordinators located within the Bu-
23 reau of Democracy, Human Rights, and Labor shall
24 report directly to the Assistant Secretary unless oth-
25 erwise provided by law.”;

1 (2) in subparagraph (B)(ii)—

2 (A) by striking “section” and inserting
3 “sections 116 and”; and

4 (B) by inserting before the period at the
5 end the following: “(commonly referred to as
6 the annual ‘Country Reports on Human Rights
7 Practices’)”; and

8 (3) by adding at the end the following new sub-
9 paragraphs:

10 “(C) AUTHORITIES.—In addition to the
11 duties, functions, and responsibilities specified
12 in this paragraph, the Assistant Secretary of
13 State for Democracy, Human Rights, and
14 Labor is authorized to—

15 “(i) promote democracy and actively
16 support human rights throughout the
17 world;

18 “(ii) promote the rule of law and good
19 governance throughout the world;

20 “(iii) strengthen, empower, and pro-
21 tect civil society representatives, programs,
22 and organizations, and facilitate their abil-
23 ity to engage in dialogue with governments
24 and other civil society entities;

1 “(iv) work with regional bureaus to
2 ensure adequate personnel at diplomatic
3 posts are assigned responsibilities relating
4 to advancing democracy, human rights,
5 labor rights, women’s equal participation
6 in society, and the rule of law, with par-
7 ticular attention paid to adequate oversight
8 and engagement on such issues by senior
9 officials at such posts;

10 “(v) review and, as appropriate, make
11 recommendations to the Secretary of State
12 regarding the proposed transfer of—

13 “(I) defense articles and defense
14 services authorized under the Foreign
15 Assistance Act of 1961 (22 U.S.C.
16 2151 et seq.) or the Arms Export
17 Control Act (22 U.S.C. 2751 et seq.);
18 and

19 “(II) military items listed on the
20 ‘600 series’ of the Commerce Control
21 List contained in Supplement No. 1 to
22 part 774 of subtitle B of title 15,
23 Code of Federal Regulations;

24 “(vi) coordinate programs and activi-
25 ties that protect and advance the exercise

1 of human rights and internet freedom in
2 cyberspace; and

3 “(vii) implement other relevant poli-
4 cies and provisions of law.

5 “(D) LOCAL OVERSIGHT.—United States
6 missions, when executing DRL programming,
7 to the extent practicable, should assist in exer-
8 cising oversight authority and coordinate with
9 the Bureau of Democracy, Human Rights, and
10 Labor to ensure that funds are appropriately
11 used and comply with anti-corruption prac-
12 tices.”.

13 **SEC. 7104. ASSISTANT SECRETARY FOR INTERNATIONAL**
14 **NARCOTICS AND LAW ENFORCEMENT AF-**
15 **FAIRS.**

16 (a) IN GENERAL.—Section 1(c) of the State Depart-
17 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a(c))
18 is amended—

19 (1) by redesignating paragraphs (3) and (4) as
20 paragraphs (4) and (5), respectively; and

21 (2) by inserting after paragraph (2) the fol-
22 lowing new paragraph:

23 “(3) ASSISTANT SECRETARY FOR INTER-
24 NATIONAL NARCOTICS AND LAW ENFORCEMENT AF-
25 FAIRS.—

1 “(A) IN GENERAL.—There is authorized to
2 be in the Department of State an Assistant
3 Secretary for International Narcotics and Law
4 Enforcement Affairs, who shall be responsible
5 to the Secretary of State for all matters, pro-
6 grams, and related activities pertaining to inter-
7 national narcotics, anti-crime, and law enforce-
8 ment affairs in the conduct of foreign policy by
9 the Department, including, as appropriate, lead-
10 ing the coordination of programs carried out by
11 United States Government agencies abroad, and
12 such other related duties as the Secretary may
13 from time to time designate.

14 “(B) AREAS OF RESPONSIBILITY.—The
15 Assistant Secretary for International Narcotics
16 and Law Enforcement Affairs shall maintain
17 continuous observation and coordination of all
18 matters pertaining to international narcotics,
19 anti-crime, and law enforcement affairs in the
20 conduct of foreign policy, including programs
21 carried out by other United States Government
22 agencies when such programs pertain to the fol-
23 lowing matters:

24 “(i) Combating international narcotics
25 production and trafficking.

1 “(ii) Strengthening foreign justice sys-
2 tems, including judicial and prosecutorial
3 capacity, appeals systems, law enforcement
4 agencies, prison systems, and the sharing
5 of recovered assets.

6 “(iii) Training and equipping foreign
7 police, border control, other government of-
8 ficials, and other civilian law enforcement
9 authorities for anti-crime purposes, includ-
10 ing ensuring that no foreign security unit
11 or member of such unit shall receive such
12 assistance from the United States Govern-
13 ment absent appropriate vetting.

14 “(iv) Ensuring the inclusion of human
15 rights and women’s participation issues in
16 law enforcement programs, in consultation
17 with the Assistant Secretary for Democ-
18 racy, Human Rights, and Labor, and other
19 senior officials in regional and thematic
20 bureaus and offices.

21 “(v) Combating, in conjunction with
22 other relevant bureaus of the Department
23 of State and other United States Govern-
24 ment agencies, all forms of transnational
25 organized crime, including human traf-

1 ficking, illicit trafficking in arms, wildlife,
2 and cultural property, migrant smuggling,
3 corruption, money laundering, the illicit
4 smuggling of bulk cash, the licit use of fi-
5 nancial systems for malign purposes, and
6 other new and emerging forms of crime.

7 “(vi) Identifying and responding to
8 global corruption, including strengthening
9 the capacity of foreign government institu-
10 tions responsible for addressing financial
11 crimes and engaging with multilateral or-
12 ganizations responsible for monitoring and
13 supporting foreign governments’ anti-cor-
14 ruption efforts.

15 “(C) ADDITIONAL DUTIES.—In addition to
16 the responsibilities specified in subparagraph
17 (B), the Assistant Secretary for International
18 Narcotics and Law Enforcement Affairs shall
19 also—

20 “(i) carry out timely and substantive
21 consultation with chiefs of mission and, as
22 appropriate, the heads of other United
23 States Government agencies to ensure ef-
24 fective coordination of all international
25 narcotics and law enforcement programs

1 carried out overseas by the Department
2 and such other agencies;

3 “(ii) coordinate with the Office of Na-
4 tional Drug Control Policy to ensure les-
5 sons learned from other United States
6 Government agencies are available to the
7 Bureau of International Narcotics and
8 Law Enforcement Affairs of the Depart-
9 ment;

10 “(iii) develop standard requirements
11 for monitoring and evaluation of Bureau
12 programs, including metrics for success
13 that do not rely solely on the amounts of
14 illegal drugs that are produced or seized;

15 “(iv) in coordination with the Sec-
16 retary of State, annually certify in writing
17 to the Committee on Foreign Affairs of the
18 House of Representatives and the Com-
19 mittee on Foreign Relations of the Senate
20 that United States law enforcement per-
21 sonnel posted abroad whose activities are
22 funded to any extent by the Bureau of
23 International Narcotics and Law Enforce-
24 ment Affairs are complying with section

1 207 of the Foreign Service Act of 1980
2 (22 U.S.C. 3927); and

3 “(v) carry out such other relevant du-
4 ties as the Secretary may assign.

5 “(D) RULE OF CONSTRUCTION.—Nothing
6 in this paragraph may be construed to limit or
7 impair the authority or responsibility of any
8 other Federal agency with respect to law en-
9 forcement, domestic security operations, or in-
10 telligence activities as defined in Executive
11 Order 12333.”.

12 (b) MODIFICATION OF ANNUAL INTERNATIONAL
13 NARCOTICS CONTROL STRATEGY REPORT.—Subsection
14 (a) of section 489 of the Foreign Assistance Act of 1961
15 (22 U.S.C. 2291h) is amended by inserting after para-
16 graph (9) the following new paragraph:

17 “(10) A separate section that contains an iden-
18 tification of all United States Government-supported
19 units funded by the Bureau of International Nar-
20 cotics and Law Enforcement Affairs and any Bu-
21 reau-funded operations by such units in which
22 United States law enforcement personnel have been
23 physically present.”.

1 **SEC. 7105. BUREAU OF CONSULAR AFFAIRS; BUREAU OF**
2 **POPULATION, REFUGEES, AND MIGRATION.**

3 Section 1 of the State Department Basic Authorities
4 Act of 1956 (22 U.S.C. 2651a) is amended—

5 (1) by redesignating subsection (g) and (h) as
6 subsections (i) and (j), respectively; and

7 (2) by inserting after subsection (f) the fol-
8 lowing new subsections:

9 “(g) BUREAU OF CONSULAR AFFAIRS.—There is in
10 the Department of State the Bureau of Consular Affairs,
11 which shall be headed by the Assistant Secretary of State
12 for Consular Affairs.

13 “(h) BUREAU OF POPULATION, REFUGEES, AND MI-
14 GRATION.—There is in the Department of State the Bu-
15 reau of Population, Refugees, and Migration, which shall
16 be headed by the Assistant Secretary of State for Popu-
17 lation, Refugees, and Migration.”.

18 **SEC. 7106. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.**

19 (a) ESTABLISHMENT.—There should be established
20 in the Department of State an Office of International Dis-
21 ability Rights (referred to in this section as the “Office”).

22 (b) DUTIES.—The Office should—

23 (1) seek to ensure that all United States for-
24 eign operations are accessible to, and inclusive of,
25 persons with disabilities;

1 (2) promote the human rights and full partici-
2 pation in international development activities of all
3 persons with disabilities;

4 (3) promote disability inclusive practices and
5 the training of Department of State staff on solie-
6 iting quality programs that are fully inclusive of peo-
7 ple with disabilities;

8 (4) represent the United States in diplomatic
9 and multilateral fora on matters relevant to the
10 rights of persons with disabilities, and work to raise
11 the profile of disability across a broader range of or-
12 ganizations contributing to international develop-
13 ment efforts;

14 (5) conduct regular consultation with civil soci-
15 ety organizations working to advance international
16 disability rights and empower persons with disabil-
17 ities internationally;

18 (6) consult with other relevant offices at the
19 Department that are responsible for drafting annual
20 reports documenting progress on human rights, in-
21 cluding, wherever applicable, references to instances
22 of discrimination, prejudice, or abuses of persons
23 with disabilities;

24 (7) advise the Bureau of Human Resources or
25 its equivalent within the Department regarding the

1 hiring and recruitment and overseas practices of civil
2 service employees and Foreign Service officers with
3 disabilities and their family members with chronic
4 medical conditions or disabilities; and

5 (8) carry out such other relevant duties as the
6 Secretary of State may assign.

7 (c) SUPERVISION.—The Office may be headed by—

8 (1) a senior advisor to the appropriate Assist-
9 ant Secretary of State; or

10 (2) an officer exercising significant authority
11 who reports to the President or Secretary of State,
12 appointed by and with the advice and consent of the
13 Senate.

14 (d) CONSULTATION.—The Secretary of State should
15 direct Ambassadors at Large, Representatives, Special
16 Envoys, and coordinators working on human rights to con-
17 sult with the Office to promote the human rights and full
18 participation in international development activities of all
19 persons with disabilities.

20 **SEC. 7107. ANTI-PIRACY INFORMATION SHARING.**

21 The Secretary is authorized to provide for the partici-
22 pation by the United States in the Information Sharing
23 Centre located in Singapore, as established by the Re-
24 gional Cooperation Agreement on Combating Piracy and
25 Armed Robbery against Ships in Asia (ReCAAP).

1 **SEC. 7108. IMPORTANCE OF FOREIGN AFFAIRS TRAINING**
2 **TO NATIONAL SECURITY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the Department is a crucial national secu-
6 rity agency, whose employees, both Foreign and Civil
7 Service, require the best possible training at every
8 stage of their careers to prepare them to promote
9 and defend United States national interests and the
10 health and safety of United States citizens abroad;

11 (2) the Department of State’s investment of
12 time and resources with respect to the training and
13 education of its personnel is considerably below the
14 level of other Federal departments and agencies in
15 the national security field, and falls well below the
16 investments many allied and adversarial countries
17 make in the development of their diplomats;

18 (3) the Department faces increasingly complex
19 and rapidly evolving challenges, many of which are
20 science and technology-driven, and which demand
21 the continual, high-quality training and education of
22 its personnel;

23 (4) the Department must move beyond reliance
24 on “on-the-job training” and other informal
25 mentorship practices, which lead to an inequality in
26 skillset development and career advancement oppor-

1 tunities, often particularly for minority personnel,
2 and towards a robust professional tradecraft train-
3 ing continuum that will provide for greater equality
4 in career advancement and increase minority partici-
5 pation in the senior ranks;

6 (5) the Department’s Foreign Service Institute
7 and other training facilities should seek to substan-
8 tially increase its educational and training offerings
9 to Department personnel, including developing new
10 and innovative educational and training courses,
11 methods, programs, and opportunities; and

12 (6) consistent with existing Department gift ac-
13 ceptance authority and other applicable laws, the
14 Department and Foreign Service Institute may ac-
15 cept funds and other resources from foundations,
16 not-for-profit corporations, and other appropriate
17 sources to help the Department and the Institute en-
18 hance the quantity and quality of training offerings,
19 especially in the introduction of new, innovative, and
20 pilot model courses.

21 (b) TRAINING FLOAT.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary of
23 State shall develop and submit to the appropriate congres-
24 sional committees a strategy to establish a “training float”
25 to allow for up to 15 percent of the Civil and Foreign

1 Service to participate in long-term training at any given
2 time. The strategy should identify steps necessary to en-
3 sure implementation of the training priorities identified in
4 subsection (c), sufficient training capacity and opportuni-
5 ties are available to Civil and Foreign Service officers, eq-
6 uitable distribution of long-term training opportunities to
7 Civil and Foreign Service officers, and any additional re-
8 sources or authorities necessary to facilitate such a train-
9 ing float, including programs at the George P. Schultz Na-
10 tional Foreign Affairs Training Center, the Foreign Serv-
11 ice Institute, the Foreign Affairs Security Training Cen-
12 ter, and other facilities or programs operated by the De-
13 partment of State. The strategy shall identify which types
14 of training would be prioritized, the extent (if any) to
15 which such training is already being provided to Civil and
16 Foreign Service officers by the Department of State, any
17 factors incentivizing or disincentivizing such training, and
18 why such training cannot be achieved without Civil and
19 Foreign Service officers leaving the workforce. In addition
20 to training opportunities provided by the Department, the
21 strategy shall consider training that could be provided by
22 the other United States Government training institutions,
23 as well as non-governmental educational institutions. The
24 strategy shall consider approaches to overcome disincen-
25 tives to pursuing long-term training.

1 (c) PRIORITIZATION.—In order to provide the Civil
2 and Foreign Service with the level of education and train-
3 ing needed to effectively advance United States interests
4 across the globe, the Department of State should—

5 (1) increase its offerings—

6 (A) of virtual instruction to make training
7 more accessible to personnel deployed through-
8 out the world; or

9 (B) at partner organizations to provide
10 useful outside perspectives to Department per-
11 sonnel;

12 (2) offer courses utilizing computer-based or as-
13 sisted simulations, allowing civilian officers to lead
14 decision-making in a crisis environment; and

15 (3) consider increasing the duration and ex-
16 panding the focus of certain training courses, includ-
17 ing—

18 (A) the A-100 orientation course for For-
19 eign Service officers, and

20 (B) the chief of mission course to more ac-
21 curately reflect the significant responsibilities
22 accompanying such role.

23 (d) OTHER AGENCY RESPONSIBILITIES.—Other na-
24 tional security agencies should increase the enrollment of
25 their personnel in courses at the Foreign Service Institute

1 and other Department of State training facilities to pro-
2 mote a whole-of-government approach to mitigating na-
3 tional security challenges.

4 **SEC. 7109. CLASSIFICATION AND ASSIGNMENT OF FOREIGN**
5 **SERVICE OFFICERS.**

6 The Foreign Service Act of 1980 is amended—

7 (1) in section 501 (22 U.S.C. 3981), by insert-
8 ing “If a position designated under this section is
9 unfilled for more than 365 calendar days, such posi-
10 tion may be filled, as appropriate, on a temporary
11 basis, in accordance with section 309.” after “Posi-
12 tions designated under this section are excepted
13 from the competitive service.”; and

14 (2) in paragraph (2) of section 502(a) (22
15 U.S.C. 3982(a)), by inserting “, or domestically, in
16 a position working on issues relating to a particular
17 country or geographic area,” after “geographic
18 area”.

19 **SEC. 7110. ENERGY DIPLOMACY AND SECURITY WITHIN**
20 **THE DEPARTMENT OF STATE.**

21 Section 1(c) of the State Department Basic Authori-
22 ties Act of 1956 (22 U.S.C. 2651a), as amended by sec-
23 tion 7104 of this division, is further amended—

1 (1) by redesignating paragraphs (4) and (5) (as
2 redesignated pursuant to such section 1004) as
3 paragraphs (5) and (6); and

4 (2) by inserting after paragraph (3) (as added
5 pursuant to such section 1004) the following new
6 paragraph:

7 “(4) ENERGY RESOURCES.—

8 “(A) AUTHORIZATION FOR ASSISTANT SEC-
9 RETARY.—Subject to the numerical limitation
10 specified in paragraph (1), there is authorized
11 to be established in the Department of State an
12 Assistant Secretary of State for Energy Re-
13 sources.

14 “(B) PERSONNEL.—If the Department es-
15 tablishes an Assistant Secretary of State for
16 Energy Resources in accordance with the au-
17 thorization provided in subparagraph (A), the
18 Secretary of State shall ensure there are suffi-
19 cient personnel dedicated to energy matters
20 within the Department of State whose respon-
21 sibilities shall include—

22 “(i) formulating and implementing
23 international policies aimed at protecting
24 and advancing United States energy secu-
25 rity interests by effectively managing

1 United States bilateral and multilateral re-
2 lations;

3 “(ii) ensuring that analyses of the na-
4 tional security implications of global en-
5 ergy and environmental developments are
6 reflected in the decision making process
7 within the Department;

8 “(iii) incorporating energy security
9 priorities into the activities of the Depart-
10 ment;

11 “(iv) coordinating energy activities of
12 the Department with relevant Federal de-
13 partments and agencies;

14 “(v) coordinating with the Office of
15 Sanctions Coordination on economic sanc-
16 tions pertaining to the international energy
17 sector; and

18 “(vi) working internationally to—

19 “(I) support the development of
20 energy resources and the distribution
21 of such resources for the benefit of
22 the United States and United States
23 allies and trading partners for their
24 energy security and economic develop-
25 ment needs;

1 “(II) promote availability of di-
2 versified energy supplies and a well-
3 functioning global market for energy
4 resources, technologies, and expertise
5 for the benefit of the United States
6 and United States allies and trading
7 partners;

8 “(III) resolve international dis-
9 putes regarding the exploration, devel-
10 opment, production, or distribution of
11 energy resources;

12 “(IV) support the economic and
13 commercial interests of United States
14 persons operating in the energy mar-
15 kets of foreign countries;

16 “(V) support and coordinate
17 international efforts to alleviate en-
18 ergy poverty;

19 “(VI) leading the United States
20 commitment to the Extractive Indus-
21 tries Transparency Initiative; and

22 “(VII) coordinating energy secu-
23 rity and other relevant functions with-
24 in the Department currently under-
25 taken by—

1 “(aa) the Bureau of Eco-
2 nomic and Business Affairs;

3 “(bb) the Bureau of Oceans
4 and International Environmental
5 and Scientific Affairs; and

6 “(cc) other offices within the
7 Department of State.”.

8 **SEC. 7111. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.**

9 Title I of the State Department Basic Authorities Act
10 of 1956 is amended by adding after section 63 (22 U.S.C.
11 2735) the following new section:

12 **“SEC. 64. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.**

13 “(a) ACTIVITIES.—

14 “(1) SUPPORT AUTHORIZED.—The Secretary of
15 State is authorized to provide, by contract, grant, or
16 otherwise, for the performance of appropriate mu-
17 seum visitor and educational outreach services and
18 related events, including organizing programs and
19 conference activities, museum shop services and food
20 services in the public exhibition and related space
21 utilized by the National Museum of American Diplo-
22 macy.

23 “(2) RECOVERY OF COSTS.—The Secretary of
24 State is authorized to recover any revenues gen-
25 erated under the authority of paragraph (1) for vis-

1 itor and outreach services and related events re-
2 ferred to in such paragraph, including fees for use
3 of facilities at the National Museum for American
4 Diplomacy. Any such revenues may be retained as a
5 recovery of the costs of operating the museum.

6 “(b) DISPOSITION OF NATIONAL MUSEUM OF AMER-
7 ICAN DIPLOMACY DOCUMENTS, ARTIFACTS, AND OTHER
8 ARTICLES.—

9 “(1) PROPERTY.—All historic documents, arti-
10 facts, or other articles permanently acquired by the
11 Department of State and determined by the Sec-
12 retary of State to be suitable for display by the Na-
13 tional Museum of American Diplomacy shall be con-
14 sidered to be the property of the United States Gov-
15 ernment and shall be subject to disposition solely in
16 accordance with this subsection.

17 “(2) SALE, TRADE, OR TRANSFER.—Whenever
18 the Secretary of State makes the determination de-
19 scribed in paragraph (3) with respect to a document,
20 artifact, or other article under paragraph (1), the
21 Secretary may sell at fair market value, trade, or
22 transfer such document, artifact, or other article
23 without regard to the requirements of subtitle I of
24 title 40, United States Code. The proceeds of any
25 such sale may be used solely for the advancement of

1 the mission of the National Museum of American
2 Diplomacy and may not be used for any purpose
3 other than the acquisition and direct care of the col-
4 lections of the museum.

5 “(3) DETERMINATIONS PRIOR TO SALE, TRADE,
6 OR TRANSFER.—The determination described in this
7 paragraph with respect to a document, artifact, or
8 other article under paragraph (1), is a determination
9 that—

10 “(A) such document, artifact, or other arti-
11 cle no longer serves to further the purposes of
12 the National Museum of American Diplomacy
13 as set forth in the collections management pol-
14 icy of the museum;

15 “(B) the sale, trade, or transfer of such
16 document, artifact, or other article would serve
17 to maintain the standards of the collection of
18 the museum; or

19 “(C) sale, trade, or transfer of such docu-
20 ment, artifact, or other article would be in the
21 best interests of the United States.

22 “(4) LOANS.—In addition to the authorization
23 under paragraph (2) relating to the sale, trade, or
24 transfer of documents, artifacts, or other articles
25 under paragraph (1), the Secretary of State may

1 loan such documents, artifacts, or other articles,
2 when not needed for use or display by the National
3 Museum of American Diplomacy to the Smithsonian
4 Institution or a similar institution for repair, study,
5 or exhibition.”.

6 **SEC. 7112. EXTENSION OF PERIOD FOR REIMBURSEMENT**
7 **OF FISHERMEN FOR COSTS INCURRED FROM**
8 **THE ILLEGAL SEIZURE AND DETENTION OF**
9 **U.S.-FLAG FISHING VESSELS BY FOREIGN**
10 **GOVERNMENTS.**

11 (a) IN GENERAL.—Subsection (e) of section 7 of the
12 Fishermen’s Protective Act of 1967 (22 U.S.C. 1977) is
13 amended to read as follows:

14 “(e) AMOUNTS.—Payments may be made under this
15 section only to such extent and in such amounts as are
16 provided in advance in appropriation Acts.”.

17 (b) RETROACTIVE APPLICABILITY.—

18 (1) EFFECTIVE DATE.—The amendment made
19 by subsection (a) shall take effect on the date of the
20 enactment of this Act and apply as if the date speci-
21 fied in subsection (e) of section 7 of the Fishermen’s
22 Protective Act of 1967, as in effect on the day be-
23 fore the date of the enactment of this Act, were the
24 day after such date of enactment.

1 (2) AGREEMENTS AND PAYMENTS.—The Sec-
2 retary of State is authorized to—

3 (A) enter into agreements pursuant to sec-
4 tion 7 of the Fishermen’s Protective Act of
5 1967 for any claims to which such section
6 would otherwise apply but for the date specified
7 in subsection (e) of such section, as in effect on
8 the day before the date of the enactment of this
9 Act; and

10 (B) make payments in accordance with
11 agreements entered into pursuant to such sec-
12 tion if any such payments have not been made
13 as a result of the expiration of the date speci-
14 fied in such section, as in effect on the day be-
15 fore the date of the enactment of this Act.

16 **SEC. 7113. ART IN EMBASSIES.**

17 (a) IN GENERAL.—No funds are authorized to be ap-
18 propriated for the purchase of any piece of art for the
19 purposes of installation or display in any embassy, con-
20 sulate, or other foreign mission of the United States if
21 the purchase price of such piece of art is in excess of
22 \$25,000, unless such purchase is subject to prior consulta-
23 tion with, and the regular notification procedures of, the
24 appropriate congressional committees.

1 (b) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of State shall
3 submit to the appropriate congressional committees a re-
4 port on the costs of the Art in Embassies Program for
5 fiscal years 2012 through 2020.

6 (c) SUNSET.—This section shall terminate on the
7 date that is two years after the date of the enactment of
8 this Act.

9 (d) DEFINITION.—In this section, the term “art” in-
10 cludes paintings, sculptures, photographs, industrial de-
11 sign, and craft art.

12 **SEC. 7114. AMENDMENT OR REPEAL OF REPORTING RE-**
13 **QUIREMENTS.**

14 (a) BURMA.—

15 (1) IN GENERAL.—Section 570 of Public Law
16 104–208 is amended—

17 (A) by amending subsection (c) to read as
18 follows:

19 “(c) MULTILATERAL STRATEGY.—The President
20 shall develop, in coordination with like-minded countries,
21 a comprehensive, multilateral strategy to—

22 “(1) assist Burma in addressing corrosive ma-
23 lign influence of the People’s Republic of China; and

1 “(2) support democratic, constitutional, eco-
2 nomic, and security sector reforms in Burma de-
3 signed to—

4 “(A) advance democratic development and
5 improve human rights practices and the quality
6 of life; and

7 “(B) promote genuine national reconcili-
8 ation.”; and

9 (B) in subsection (d)—

10 (i) in the matter preceding paragraph
11 (1), by striking “six months” and inserting
12 “year”;

13 (ii) by redesignating paragraph (3) as
14 paragraph (7); and

15 (iii) by inserting after paragraph (2)
16 the following new paragraphs:

17 “(3) improvements in human rights practices;

18 “(4) progress toward broad-based and inclusive
19 economic growth;

20 “(5) progress toward genuine national reconcili-
21 ation;

22 “(6) progress on improving the quality of life of
23 the Burmese people, including progress relating to
24 market reforms, living standards, labor standards,

1 use of forced labor in the tourism industry, and en-
2 vironmental quality; and”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall take effect on the date of the
5 enactment of this Act and apply with respect to the
6 first report required under subsection (d) of section
7 570 of Public Law 104–208 that is required after
8 the date of the enactment of this Act.

9 (b) REPEALS.—The following provisions of law are
10 hereby repealed:

11 (1) Subsection (b) of section 804 of Public Law
12 101–246.

13 (2) Section 6 of Public Law 104–45.

14 (3) Subsection (c) of section 702 of Public Law
15 96–465 (22 U.S.C. 4022).

16 (4) Section 404 of the Arms Control and Disar-
17 mament Act (22 U.S.C. 2593b).

18 (5) Section 5 of Public Law 94–304 (22 U.S.C.
19 3005).

20 (6) Subsection (b) of section 502 of the Inter-
21 national Security and Development Cooperation Act
22 of 1985 (22 U.S.C. 2349aa–7).

23 (c) TECHNICAL AND CONFORMING AMENDMENT.—
24 Section 502 of the International Security and Develop-

1 ment Cooperation Act of 1985 (22 U.S.C. 2349aa–7) is
2 amended by redesignating subsection (c) as subsection (b).

3 **SEC. 7115. REPORTING ON IMPLEMENTATION OF GAO REC-**
4 **COMMENDATIONS.**

5 (a) INITIAL REPORT.—Not later than 120 days after
6 the date of the enactment of this Act, the Secretary shall
7 submit to the appropriate congressional committees a re-
8 port that lists all of the Government Accountability Of-
9 fice’s recommendations relating to the Department that
10 have not been fully implemented.

11 (b) IMPLEMENTATION REPORT.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of the submission of the report re-
14 quired under subsection (a), the Secretary shall sub-
15 mit to the appropriate congressional committees a
16 report that describes the implementation status of
17 each recommendation from the Government Ac-
18 countability Office included in such report.

19 (2) JUSTIFICATION.—The report under para-
20 graph (1) shall include—

21 (A) a detailed justification for each deci-
22 sion not to fully implement a recommendation
23 or to implement a recommendation in a dif-
24 ferent manner than specified by the Govern-
25 ment Accountability Office;

1 (B) a timeline for the full implementation
2 of any recommendation the Secretary has de-
3 cided to adopt, but has not yet fully imple-
4 mented; and

5 (C) an explanation for any discrepancies
6 included in the Comptroller General report sub-
7 mitted under subsection (b).

8 (c) FORM.—The information required in each report
9 under this section shall be submitted in unclassified form,
10 to the maximum extent practicable, but may be included
11 in a classified annex to the extent necessary.

12 **SEC. 7116. OFFICE OF GLOBAL CRIMINAL JUSTICE.**

13 (a) IN GENERAL.—There should be established with-
14 in the Department of State an Office of Global Criminal
15 Justice (referred to in this section as the “Office”), which
16 may be placed within the organizational structure of the
17 Department at the discretion of the Secretary.

18 (b) DUTIES.—The Office should carry out the fol-
19 lowing:

20 (1) Advise the Secretary of State and other rel-
21 evant senior officials on issues related to atrocities,
22 including war crimes, crimes against humanity, and
23 genocide.

1 (2) Assist in formulating United States policy
2 on the prevention of, responses to, and account-
3 ability for atrocities.

4 (3) Coordinate, as appropriate and with other
5 relevant Federal departments and agencies, United
6 States Government positions relating to the inter-
7 national and hybrid courts currently prosecuting
8 persons suspected of atrocities around the world.

9 (4) Work with other governments, international
10 organizations, and nongovernmental organizations,
11 as appropriate, to establish and assist international
12 and domestic commissions of inquiry, fact-finding
13 missions, and tribunals to investigate, document,
14 and prosecute atrocities around the world.

15 (5) Coordinate, as appropriate and with other
16 relevant Federal departments and agencies, the de-
17 ployment of diplomatic, legal, economic, military,
18 and other tools to help collect evidence of atrocities,
19 judge those responsible, protect and assist victims,
20 enable reconciliation, prevent and deter atrocities,
21 and promote the rule of law.

22 (6) Provide advice and expertise on transitional
23 justice mechanisms to United States personnel oper-
24 ating in conflict and post-conflict environments.

1 starts with a standard design and keeps customization to
2 a minimum.

3 (b) CONSULTATION.—The Secretary of State shall
4 carry out any new United States embassy compound or
5 new consulate compound project that utilizes a non-stand-
6 ard design, including those projects that are in the design
7 or pre-design phase as of the date of the enactment of
8 this Act, only in consultation with the appropriate con-
9 gressional committees. The Secretary shall provide the ap-
10 propriate congressional committees, for each such project,
11 the following documentation:

12 (1) A comparison of the estimated full lifecycle
13 costs of the project to the estimated full lifecycle
14 costs of such project if it were to use a standard de-
15 sign.

16 (2) A comparison of the estimated completion
17 date of such project to the estimated completion
18 date of such project if it were to use a standard de-
19 sign.

20 (3) A comparison of the security of the com-
21 pleted project to the security of such completed
22 project if it were to use a standard design.

23 (4) A justification for the Secretary's selection
24 of a non-standard design over a standard design for
25 such project.

1 (5) A written explanation if any of the docu-
2 mentation necessary to support the comparisons and
3 justification, as the case may be, described in para-
4 graphs (1) through (4) cannot be provided.

5 (c) SUNSET.—The consultation requirement under
6 subsection (b) shall expire on the date that is 4 years after
7 the date of the enactment of this Act.

8 **SEC. 7203. CAPITAL CONSTRUCTION TRANSPARENCY.**

9 (a) IN GENERAL.—Section 118 of the Department of
10 State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304)
11 is amended—

12 (1) in the section heading, by striking “**AN-**
13 **NUAL REPORT ON EMBASSY CONSTRUCTION**
14 **COSTS**” and inserting “**BIANNUAL REPORT ON**
15 **OVERSEAS CAPITAL CONSTRUCTION**
16 **PROJECTS**”; and

17 (2) by striking subsections (a) and (b) and in-
18 serting the following new subsections:

19 “(a) IN GENERAL.—Not later than 180 days after
20 the date of the enactment of this subsection and every 180
21 days thereafter until the date that is four years after such
22 date of enactment, the Secretary of State shall submit to
23 the appropriate congressional committees a comprehensive
24 report regarding all ongoing overseas capital construction
25 projects and major embassy security upgrade projects.

1 “(b) CONTENTS.—Each report required under sub-
2 section (a) shall include the following with respect to each
3 ongoing overseas capital construction project and major
4 embassy security upgrade project:

5 “(1) The initial cost estimate as specified in the
6 proposed allocation of capital construction and main-
7 tenance funds required by the Committees on Appro-
8 priations for Acts making appropriations for the De-
9 partment of State, foreign operations, and related
10 programs.

11 “(2) The current cost estimate.

12 “(3) The value of each request for equitable ad-
13 justment received by the Department to date.

14 “(4) The value of each certified claim received
15 by the Department to date.

16 “(5) The value of any usage of the project’s
17 contingency fund to date and the value of the re-
18 mainder of the project’s contingency fund.

19 “(6) An enumerated list of each request for ad-
20 justment and certified claim that remains out-
21 standing or unresolved.

22 “(7) An enumerated list of each request for eq-
23 uitable adjustment and certified claim that has been
24 fully adjudicated or that the Department has settled,

1 and the final dollar amount of each adjudication or
2 settlement.

3 “(8) The date of estimated completion specified
4 in the proposed allocation of capital construction
5 and maintenance funds required by the Committees
6 on Appropriations not later than 45 days after the
7 date of the enactment of an Act making appropria-
8 tions for the Department of State, foreign oper-
9 ations, and related programs.

10 “(9) The current date of estimated comple-
11 tion.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Department of State Authorities
14 Act, Fiscal Year 2017 is amended by amending the item
15 relating to section 118 to read as follows:

“Sec. 118. Biannual report on overseas capital construction projects.”.

16 **SEC. 7204. CONTRACTOR PERFORMANCE INFORMATION.**

17 (a) DEADLINE FOR COMPLETION.—The Secretary of
18 State shall complete all contractor performance evalua-
19 tions outstanding as of the date of the enactment of this
20 Act required by subpart 42.15 of the Federal Acquisition
21 Regulation for those contractors engaged in construction
22 of new embassy or new consulate compounds by April 1,
23 2022.

24 (b) PRIORITIZATION SYSTEM.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 of State shall develop a prioritization system for
4 clearing the current backlog of required evaluations
5 referred to in subsection (a).

6 (2) ELEMENTS.—The system required under
7 paragraph (1) should prioritize the evaluations as
8 follows:

9 (A) Project completion evaluations should
10 be prioritized over annual evaluations.

11 (B) Evaluations for relatively large con-
12 tracts should have priority.

13 (C) Evaluations that would be particularly
14 informative for the awarding of government
15 contracts should have priority.

16 (c) BRIEFING.—Not later than 90 days after the date
17 of the enactment of this Act, the Secretary of State shall
18 brief the appropriate congressional committees on the De-
19 partment’s plan for completing all evaluations by April 1,
20 2022, in accordance with subsection (a) and the
21 prioritization system developed pursuant to subsection (b).

22 (d) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

1 (3) Reasonable assumptions about the strategic
2 importance of the NEC or NCC, as the case may be,
3 over the life of the building at issue.

4 (4) Any other data that would be helpful in pro-
5 jecting the future growth of NEC or NCC.

6 (b) OTHER FEDERAL AGENCIES.—The head of each
7 Federal agency represented at a United States embassy
8 or consulate shall provide to the Secretary, upon request,
9 growth projections for the personnel of each such agency
10 over the estimated life of each embassy or consulate, as
11 the case may be.

12 (c) BASIS FOR ESTIMATES.—The Department of
13 State shall base its growth assumption for all NECs and
14 NCCs on the estimates required under subsections (a) and
15 (b).

16 (d) CONGRESSIONAL NOTIFICATION.—Any congres-
17 sional notification of site selection for a NEC or NCC sub-
18 mitted after the date of the enactment of this Act shall
19 include the growth assumption used pursuant to sub-
20 section (c).

21 **SEC. 7206. LONG-RANGE PLANNING PROCESS.**

22 (a) PLANS REQUIRED.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act and an-
25 nually thereafter for the next five years as the Sec-

1 retary of State considers appropriate, the Secretary
2 shall develop—

3 (A) a comprehensive 6-year plan docu-
4 menting the Department's overseas building
5 program for the replacement of overseas diplo-
6 matic posts taking into account security factors
7 under the Secure Embassy Construction and
8 Counterterrorism Act of 1999 and other rel-
9 evant statutes and regulations, as well as occu-
10 pational safety and health factors pursuant to
11 the Occupational Safety and Health Act of
12 1970 and other relevant statutes and regula-
13 tions, including environmental factors such as
14 indoor air quality that impact employee health
15 and safety; and

16 (B) a comprehensive 6-year plan detailing
17 the Department's long-term planning for the
18 maintenance and sustainment of completed dip-
19 lomatic posts, which takes into account security
20 factors under the Secure Embassy Construction
21 and Counterterrorism Act of 1999 and other
22 relevant statutes and regulations, as well as oc-
23 cupational safety and health factors pursuant to
24 the Occupational Safety and Health Act of
25 1970 and other relevant statutes and regula-

1 tions, including environmental factors such as
2 indoor air quality that impact employee health
3 and safety.

4 (2) INITIAL REPORT.—The first plan developed
5 pursuant to paragraph (1)(A) shall also include a
6 one-time status report on existing small diplomatic
7 posts and a strategy for establishing a physical dip-
8 lomatic presence in countries in which there is no
9 current physical diplomatic presence and with which
10 the United States maintains diplomatic relations.
11 Such report, which may include a classified annex,
12 shall include the following:

13 (A) A description of the extent to which
14 each small diplomatic post furthers the national
15 interest of the United States.

16 (B) A description of how each small diplo-
17 matic post provides American Citizen Services,
18 including data on specific services provided and
19 the number of Americans receiving services over
20 the previous year.

21 (C) A description of whether each small
22 diplomatic post meets current security require-
23 ments.

24 (D) A description of the full financial cost
25 of maintaining each small diplomatic post.

1 (E) Input from the relevant chiefs of mis-
2 sion on any unique operational or policy value
3 the small diplomatic post provides.

4 (F) A recommendation of whether any
5 small diplomatic posts should be closed.

6 (3) UPDATED INFORMATION.—The annual up-
7 dates of each of the plans developed pursuant to
8 paragraph (1) shall highlight any changes from the
9 previous year’s plan to the ordering of construction
10 and maintenance projects.

11 (b) REPORTING REQUIREMENTS.—

12 (1) SUBMISSION OF PLANS TO CONGRESS.—Not
13 later than 60 days after the completion of each plan
14 required under subsection (a), the Secretary of State
15 shall submit the plans to the appropriate congress-
16 sional committees.

17 (2) REFERENCE IN BUDGET JUSTIFICATION
18 MATERIALS.—In the budget justification materials
19 submitted to the appropriate congressional commit-
20 tees in support of the Department of State’s budget
21 for any fiscal year (as submitted with the budget of
22 the President under section 1105(a) of title 31,
23 United States Code), the plans required under sub-
24 section (a) shall be referenced to justify funding re-

1 requested for building and maintenance projects over-
2 seas.

3 (3) FORM OF REPORT.—Each report required
4 under paragraph (1) shall be submitted in unclassi-
5 fied form but may include a classified annex.

6 (c) SMALL DIPLOMATIC POST DEFINED.—In this
7 section, the term “small diplomatic post” means any
8 United States embassy or consulate that has employed five
9 or fewer United States Government employees or contrac-
10 tors on average over the 36 months prior to the date of
11 the enactment of this Act.

12 **SEC. 7207. VALUE ENGINEERING AND RISK ASSESSMENT.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) Federal departments and agencies are re-
16 quired to use value engineering (VE) as a manage-
17 ment tool, where appropriate, to reduce program and
18 acquisition costs pursuant to OMB Circular A–131,
19 Value Engineering, dated December 31, 2013.

20 (2) OBO has a Policy Directive and Standard
21 Operation Procedure, dated May 24, 2017, on con-
22 ducting risk management studies on all international
23 construction projects.

24 (b) NOTIFICATION REQUIREMENTS.—

1 (1) SUBMISSION TO AUTHORIZING COMMIT-
2 TEES.—Any notification that includes the allocation
3 of capital construction and maintenance funds shall
4 be submitted to the Committee on Foreign Relations
5 of the Senate and the Committee on Foreign Affairs
6 of the House of Representatives.

7 (2) REQUIREMENT TO CONFIRM COMPLETION
8 OF VALUE ENGINEERING AND RISK ASSESSMENT
9 STUDIES.—The notifications required under para-
10 graph (1) shall include confirmation that the De-
11 partment has completed the requisite VE and risk
12 management process described in subsection (a), or
13 applicable successor process.

14 (c) REPORTING AND BRIEFING REQUIREMENTS.—
15 The Secretary of State shall provide to the appropriate
16 congressional committees upon request—

17 (1) a description of each risk management
18 study referred to in subsection (a)(2) and a table de-
19 tailing which recommendations related to each such
20 study were accepted and which were rejected; and

21 (2) a report or briefing detailing the rationale
22 for not implementing any such recommendations
23 that may otherwise yield significant cost savings to
24 the Department if implemented.

1 **SEC. 7208. BUSINESS VOLUME.**

2 Section 402(c)(2)(E) of the Omnibus Diplomatic Se-
3 curity and Antiterrorism Act of 1986 (22 U.S.C.
4 4852(c)(2)(E)) is amended by striking “in 3 years” and
5 inserting “cumulatively over 3 years”.

6 **SEC. 7209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**
7

8 The Secretary of State shall provide to the appro-
9 priate congressional committees, the Committee on Armed
10 Services of the House of Representatives, and the Com-
11 mittee on Armed Services of the Senate upon request in-
12 formation on physical security deficiencies at United
13 States diplomatic posts, including relating to the fol-
14 lowing:

15 (1) Requests made over the previous year by
16 United States diplomatic posts for security up-
17 grades.

18 (2) Significant security deficiencies at United
19 States diplomatic posts that are not operating out of
20 a new embassy compound or new consulate com-
21 pound.

22 **SEC. 7210. OVERSEAS SECURITY BRIEFINGS.**

23 Not later than one year after the date of the enact-
24 ment of this Act, the Secretary of State shall revise the
25 Foreign Affairs Manual to stipulate that information on
26 the current threat environment shall be provided to all

1 United States Government employees under chief of mis-
2 sion authority traveling to a foreign country on official
3 business. To the extent practicable, such material shall be
4 provided to such employees prior to their arrival at a
5 United States diplomatic post or as soon as possible there-
6 after.

7 **SEC. 7211. CONTRACTING METHODS IN CAPITAL CON-**
8 **STRUCTION.**

9 (a) DELIVERY.—Unless the Secretary of State noti-
10 fies the appropriate congressional committees that the use
11 of the design-build project delivery method would not be
12 appropriate, the Secretary shall make use of such method
13 at United States diplomatic posts that have not yet re-
14 ceived design or capital construction contracts as of the
15 date of the enactment of this Act.

16 (b) NOTIFICATION.—Before executing a contract for
17 a delivery method other than design-build in accordance
18 with subsection (a), the Secretary of State shall notify the
19 appropriate congressional committees in writing of the de-
20 cision, including the reasons therefor. The notification re-
21 quired by this subsection may be included in any other
22 report regarding a new United States diplomatic post that
23 is required to be submitted to the appropriate congres-
24 sional committees.

1 (c) PERFORMANCE EVALUATION.—Not later than
2 180 days after the date of the enactment of this Act, the
3 Secretary of State shall report to the appropriate congress-
4 sional committees regarding performance evaluation meas-
5 ures in accordance with GAO’s “Standards for Internal
6 Control in the Federal Government” that will be applica-
7 ble to design and construction, lifecycle cost, and building
8 maintenance programs of the Bureau of Overseas Build-
9 ing Operations of the Department.

10 **SEC. 7212. COMPETITION IN EMBASSY CONSTRUCTION.**

11 Not later than 45 days after the date of the enact-
12 ment of this Act, the Secretary of State shall submit to
13 the appropriate congressional committee a report detailing
14 steps the Department of State is taking to expand the em-
15 bassy construction contractor base in order to increase
16 competition and maximize value.

17 **SEC. 7213. STATEMENT OF POLICY.**

18 It is the policy of the United States that the Bureau
19 of Overseas Building Operations of the Department or its
20 successor office shall continue to balance functionality and
21 security with accessibility, as defined by guidelines estab-
22 lished by the United States Access Board in constructing
23 embassies and consulates, and shall ensure compliance
24 with the Architectural Barriers Act of 1968 (42 U.S.C.
25 4151 et seq.) to the fullest extent possible.

1 **SEC. 7214. DEFINITIONS.**

2 In this subtitle:

3 (1) DESIGN-BUILD.—The term “design-build”
4 means a method of project delivery in which one en-
5 tity works under a single contract with the Depart-
6 ment to provide design and construction services.

7 (2) NON-STANDARD DESIGN.—The term “non-
8 standard design” means a design for a new embassy
9 compound project or new consulate compound
10 project that does not utilize a standardized design
11 for the structural, spatial, or security requirements
12 of such embassy compound or consulate compound,
13 as the case may be.

14 **Subtitle C—Personnel Issues**

15 **SEC. 7301. DEFENSE BASE ACT INSURANCE WAIVERS.**

16 (a) APPLICATION FOR WAIVERS.—Not later than 30
17 days after the date of the enactment of this Act, the Sec-
18 retary of State shall apply to the Department of Labor
19 for a waiver from insurance requirements under the De-
20 fense Base Act (42 U.S.C. 1651 et seq.) for all countries
21 with respect to which the requirement was waived prior
22 to January 2017, and for which there is not currently a
23 waiver.

24 (b) CERTIFICATION REQUIREMENT.—Not later than
25 45 days after the date of the enactment of this Act, the
26 Secretary of State shall certify to the appropriate congres-

1 sional committees that the requirement in subsection (a)
2 has been met.

3 **SEC. 7302. STUDY ON FOREIGN SERVICE ALLOWANCES.**

4 (a) REPORT REQUIRED.—

5 (1) IN GENERAL.—Not later than one year
6 after date of the enactment of this Act, the Sec-
7 retary of State shall submit to the appropriate con-
8 gressional committees a report detailing an empirical
9 analysis on the effect of overseas allowances on the
10 foreign assignment of Foreign Service officers
11 (FSOs), to be conducted by a federally-funded re-
12 search and development center with appropriate ex-
13 pertise in labor economics and military compensa-
14 tion.

15 (2) CONTENTS.—The analysis required under
16 paragraph (1) shall—

17 (A) identify all allowances paid to FSOs
18 assigned permanently or on temporary duty to
19 foreign areas;

20 (B) examine the efficiency of the Foreign
21 Service bidding system in determining foreign
22 assignments;

23 (C) examine the factors that incentivize
24 FSOs to bid on particular assignments, includ-
25 ing danger levels and hardship conditions;

1 (D) examine the Department's strategy
2 and process for incentivizing FSOs to bid on
3 assignments that are historically in lower de-
4 mand, including with monetary compensation,
5 and whether monetary compensation is nec-
6 essary for assignments in higher demand;

7 (E) make any relevant comparisons to
8 military compensation and allowances, noting
9 which allowances are shared or based on the
10 same regulations;

11 (F) recommend options for restructuring
12 allowances to improve the efficiency of the as-
13 signments system and better align FSO incen-
14 tives with the needs of the Foreign Service, in-
15 cluding any cost savings associated with such
16 restructuring;

17 (G) recommend any statutory changes nec-
18 essary to implement subparagraph (F), such as
19 consolidating existing legal authorities for the
20 provision of hardship and danger pay; and

21 (H) detail any effects of recommendations
22 made pursuant to subparagraphs (F) and (G)
23 on other United States Government depart-
24 ments and agencies with civilian employees per-
25 manently assigned or on temporary duty in for-

1 eign areas, following consultation with such de-
2 partments and agencies.

3 (b) BRIEFING REQUIREMENT.—Before initiating the
4 analysis required under subsection (a)(1), and not later
5 than 60 days after the date of the enactment of this Act,
6 the Secretary of State shall provide to the Committee on
7 Foreign Relations of the Senate and the Committee on
8 Foreign Affairs in the House of Representatives a briefing
9 on the implementation of this section that includes the fol-
10 lowing:

11 (1) The name of the federally funded research
12 and development center that will conduct such anal-
13 ysis.

14 (2) The scope of such analysis and terms of ref-
15 erence for such analysis as specified between the De-
16 partment of State and such federally funded re-
17 search and development center.

18 (c) AVAILABILITY OF INFORMATION.—

19 (1) IN GENERAL.—The Secretary of State shall
20 make available to the federally-funded research and
21 development center carrying out the analysis re-
22 quired under subsection (a)(1) all necessary and rel-
23 evant information to allow such center to conduct
24 such analysis in a quantitative and analytical man-
25 ner, including historical data on the number of bids

1 for each foreign assignment and any survey data col-
2 lected by the Department of State from eligible bid-
3 ders on their bid decision-making.

4 (2) COOPERATION.—The Secretary of State
5 shall work with the heads of other relevant United
6 States Government departments and agencies to en-
7 sure such departments and agencies provide all nec-
8 essary and relevant information to the federally-
9 funded research and development center carrying
10 out the analysis required under subsection (a)(1).

11 (d) INTERIM REPORT TO CONGRESS.—The Secretary
12 of State shall require that the chief executive officer of
13 the federally-funded research and development center that
14 carries out the analysis required under subsection (a)(1)
15 submit to the Committee on Foreign Relations of the Sen-
16 ate and the Committee on Foreign Affairs of the House
17 of Representatives an interim report on such analysis not
18 later than 180 days after the date of the enactment of
19 this Act.

20 **SEC. 7303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.**

21 Section 504 of the Foreign Relations Authorization
22 Act, Fiscal Year 1979 (22 U.S.C. 2656d) is amended by
23 adding at the end the following new subsection:

1 “(e) GRANTS AND COOPERATIVE AGREEMENTS RE-
2 LATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP
3 PROGRAMS.—

4 “(1) IN GENERAL.—The Secretary of State is
5 authorized to make grants or enter into cooperative
6 agreements related to Department of State science
7 and technology fellowship programs, including for
8 assistance in recruiting fellows and the payment of
9 stipends, travel, and other appropriate expenses to
10 fellows.

11 “(2) EXCLUSION FROM CONSIDERATION AS
12 COMPENSATION.—Stipends under paragraph (1)
13 shall not be considered compensation for purposes of
14 section 209 of title 18, United States Code.

15 “(3) MAXIMUM ANNUAL AMOUNT.—The total
16 amount of grants made pursuant to this subsection
17 may not exceed \$500,000 in any fiscal year.”.

18 **SEC. 7304. TRAVEL FOR SEPARATED FAMILIES.**

19 Section 901(15) of the Foreign Service Act of 1980
20 (22 U.S.C. 4081(15)) is amended—

21 (1) in the matter preceding subparagraph (A),
22 by striking “1 round-trip per year for each child
23 below age 21 of a member of the Service assigned
24 abroad” and inserting “in the case of one or more

1 children below age 21 of a member of the Service as-
2 signed abroad, one round-trip per year”;

3 (2) in subparagraph (A)—

4 (A) by inserting “for each child” before
5 “to visit the member abroad”; and

6 (B) by striking “; or” and inserting a
7 comma;

8 (3) in subparagraph (B)—

9 (A) by inserting “for each child” before
10 “to visit the other parent”; and

11 (B) by inserting “or” after “resides,”;

12 (4) by inserting after subparagraph (B) the fol-
13 lowing new subparagraph:

14 “(C) for one of the child’s parents to visit
15 the child or children abroad if the child or chil-
16 dren do not regularly reside with that parent
17 and that parent is not receiving an education
18 allowance or educational travel allowance for
19 the child or children under section 5924(4) of
20 title 5, United States Code,”; and

21 (5) in the matter following subparagraph (C),
22 as added by paragraph (4) of this section, by strik-
23 ing “a payment” and inserting “the cost of round-
24 trip travel”.

1 **SEC. 7305. HOME LEAVE TRAVEL FOR SEPARATED FAMI-**
2 **LIES.**

3 Section 903(b) of the Foreign Service Act of 1980
4 (22 U.S.C. 4083(b)) is amended by adding at the end the
5 following new sentence: “In cases in which a member of
6 the Service has official orders to an unaccompanied post
7 and in which the family members of the member reside
8 apart from the member at authorized locations outside the
9 United States, the member may take the leave ordered
10 under this section where that member’s family members
11 reside, notwithstanding section 6305 of title 5, United
12 States Code.”.

13 **SEC. 7306. SENSE OF CONGRESS REGARDING CERTAIN FEL-**
14 **LOWSHIP PROGRAMS.**

15 It is the sense of Congress that Department fellow-
16 ships that promote the employment of candidates belong-
17 ing to under-represented groups, including the Charles B.
18 Rangel International Affairs Graduate Fellowship Pro-
19 gram, the Thomas R. Pickering Foreign Affairs Fellow-
20 ship Program, and the Donald M. Payne International De-
21 velopment Fellowship Program, represent smart invest-
22 ments vital for building a strong, capable, and representa-
23 tive national security workforce.

1 **SEC. 7307. TECHNICAL CORRECTION.**

2 Subparagraph (A) of section 601(c)(6) of the Foreign
3 Service Act of 1980 (22 U.S.C. 4001(c)(6)) is amended,
4 in the matter preceding clause (i), by—

5 (1) striking “promotion” and inserting “pro-
6 motion, on or after January 1, 2017,”; and

7 (2) striking “individual joining the Service on
8 or after January 1, 2017,” and inserting “Foreign
9 Service officer, appointed under section 302(a)(1),
10 who has general responsibility for carrying out the
11 functions of the Service”.

12 **SEC. 7308. FOREIGN SERVICE AWARDS.**

13 (a) IN GENERAL.—Section 614 of the Foreign Serv-
14 ice Act of 1980 (22 U.S.C. 4013) is amended—

15 (1) by amending the section heading to read as
16 follows: “DEPARTMENT AWARDS”; and

17 (2) in the first sentence, by inserting “or Civil
18 Service” after “the Service”.

19 (b) CONFORMING AMENDMENT.—The item relating
20 to section 614 in the table of contents of the Foreign Serv-
21 ice Act of 1980 is amended to read as follows:

“Sec. 614. Department awards.”.

22 **SEC. 7309. WORKFORCE ACTIONS.**

23 (a) SENSE OF CONGRESS ON WORKFORCE RECRUIT-
24 MENT.—It is the sense of Congress that the Secretary of
25 State should continue to hold entry-level classes for For-

1 eign Service officers and specialists and continue to recruit
2 civil servants through programs such as the Presidential
3 Management Fellows Program and Pathways Internship
4 Programs in a manner and at a frequency consistent with
5 prior years and consistent with the need to maintain a
6 pool of experienced personnel effectively distributed across
7 skill codes and ranks. It is further the sense of Congress
8 that absent continuous recruitment and training of For-
9 eign Service officers and civil servants, the Department
10 of State will lack experienced, qualified personnel in the
11 short, medium, and long terms.

12 (b) LIMITATION.—The Secretary of State should not
13 implement any reduction-in-force action under section
14 3502 or 3595 of title 5, United States Code, or for any
15 incentive payments for early separation or retirement
16 under any other provision of law unless—

17 (1) the appropriate congressional committees
18 are notified not less than 15 days in advance of such
19 obligation or expenditure; and

20 (2) the Secretary has provided to the appro-
21 priate congressional committees a detailed report
22 that describes the Department of State’s strategic
23 staffing goals, including—

1 (A) a justification that describes how any
2 proposed workforce reduction enhances the ef-
3 fectiveness of the Department;

4 (B) a certification that such workforce re-
5 duction is in the national interest of the United
6 States;

7 (C) a comprehensive strategic staffing plan
8 for the Department, including 5-year workforce
9 forecasting and a description of the anticipated
10 impact of any proposed workforce reduction;
11 and

12 (D) a dataset displaying comprehensive
13 workforce data for all current and planned em-
14 ployees of the Department, disaggregated by—

15 (i) Foreign Service officer and For-
16 eign Service specialist rank;

17 (ii) civil service job skill code, grade
18 level, and bureau of assignment;

19 (iii) contracted employees, including
20 the equivalent job skill code and bureau of
21 assignment; and

22 (iv) employees hired under schedule C
23 of subpart C of part 213 of title 5, Code
24 of Federal Regulations, including their

1 equivalent grade and job skill code and bu-
2 reau of assignment.

3 **SEC. 7310. SENSE OF CONGRESS REGARDING VETERANS**
4 **EMPLOYMENT AT THE DEPARTMENT OF**
5 **STATE.**

6 It is the sense of Congress that—

7 (1) the Department of State should continue to
8 promote the employment of veterans, in accordance
9 with section 301 of the Foreign Service Act of 1980
10 (22 U.S.C. 3941), including those veterans belong-
11 ing to traditionally under-represented groups at the
12 Department;

13 (2) veterans employed by the Department have
14 made significant contributions to United States for-
15 eign policy in a variety of regional and global affairs
16 bureaus and diplomatic posts overseas; and

17 (3) the Department should continue to encour-
18 age veteran employment and facilitate their partici-
19 pation in the workforce.

20 **SEC. 7311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND**
21 **PRECLUSIONS.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the Department of State should expand the ap-
24 peal process it makes available to employees related to as-
25 signment preclusions and restrictions.

1 (b) APPEAL OF ASSIGNMENT RESTRICTION OR PRE-
2 CLUSION.—Subsection (a) of section 414 of the Depart-
3 ment of State Authorities Act, Fiscal Year 2017 (22
4 U.S.C. 2734e(a)) is amended by adding at the end the
5 following new sentences: “Such right and process shall en-
6 sure that any employee subjected to an assignment restric-
7 tion or preclusion shall have the same appeal rights as
8 provided by the Department regarding denial or revocation
9 of a security clearance. Any such appeal shall be resolved
10 not later than 60 days after such appeal is filed.”.

11 (c) NOTICE AND CERTIFICATION.—Not later than 90
12 days after the date of the enactment of this Act, the Sec-
13 retary of State shall revise, and certify to the Committee
14 on Foreign Affairs of the House of Representatives and
15 the Committee on Foreign Relations of the Senate regard-
16 ing such revision, the Foreign Affairs Manual guidance
17 regarding denial or revocation of a security clearance to
18 expressly state that all review and appeal rights relating
19 thereto shall also apply to any recommendation or decision
20 to impose an assignment restriction or preclusion to an
21 employee.

22 (d) ANNUAL REPORT.—Not later than 90 days after
23 the date of the enactment of this Act and annually there-
24 after, the Secretary of State shall submit to the Com-
25 mittee on Foreign Affairs and the Committee on Appro-

1 priations of the House of Representatives and the Com-
2 mittee on Foreign Relations and the Committee on Appro-
3 priations of the Senate a report that contains the fol-
4 lowing:

5 (1) A rationale for the use of assignment re-
6 strictions by the Department of State, including spe-
7 cific case studies related to cleared American For-
8 eign Service and civil service employees of the De-
9 partment that demonstrate country-specific restric-
10 tions serve a counterintelligence role beyond that
11 which is already covered by the security clearance
12 process.

13 (2) The number of such Department employees
14 subject to assignment restrictions over the previous
15 year, with data disaggregated by:

16 (A) Identification as a Foreign Service of-
17 ficer, civil service employee, eligible family
18 member, or other employment status.

19 (B) The ethnicity, national origin, and race
20 of the precluded employee.

21 (C) Gender.

22 (D) Identification of the country of restric-
23 tion.

24 (3) A description of the considerations and cri-
25 teria used by the Bureau of Diplomatic Security to

1 determine whether an assignment restriction is war-
2 ranted.

3 (4) The number of restrictions that were ap-
4 pealed and the success rate of such appeals.

5 (5) The impact of assignment restrictions in
6 terms of unused language skills as measured by For-
7 eign Service Institute language scores of such pre-
8 cluded employees.

9 (6) Measures taken to ensure the diversity of
10 adjudicators and contracted investigators, with ac-
11 companying data on results.

12 **SEC. 7312. RECALL AND REEMPLOYMENT OF CAREER MEM-**
13 **BERS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) career Department of State employees pro-
17 vide invaluable service to the United States as non-
18 partisan professionals who contribute subject matter
19 expertise and professional skills to the successful de-
20 velopment and execution of United States foreign
21 policy; and

22 (2) reemployment of skilled former members of
23 the Foreign and civil service who have voluntarily
24 separated from the Foreign or civil service due to

1 family reasons or to obtain professional skills outside
 2 government is of benefit to the Department.

3 (b) NOTICE OF EMPLOYMENT OPPORTUNITIES FOR
 4 DEPARTMENT OF STATE AND USAID POSITIONS.—

5 (1) IN GENERAL.—Title 5, United States Code,
 6 is amended by inserting after chapter 102 the fol-
 7 lowing new chapter:

8 **“CHAPTER 103—NOTICE OF EMPLOYMENT**
 9 **OPPORTUNITIES FOR DEPARTMENT**
 10 **OF STATE AND USAID POSITIONS**

“Sec.

“10301. Notice of employment opportunities for Department of State and
 USAID positions.

11 **“§ 10301. Notice of employment opportunities for De-**
 12 **partment of State and USAID positions**

13 “To ensure that individuals who have separated from
 14 the Department of State or the United States Agency for
 15 International Development and who are eligible for re-
 16 appointment are aware of such opportunities, the Depart-
 17 ment of State and the United States Agency for Inter-
 18 national Development shall publicize notice of all employ-
 19 ment opportunities, including positions for which the rel-
 20 evant agency is accepting applications from individuals
 21 within the agency’s workforce under merit promotion pro-
 22 cedures, on publicly accessible sites, including
 23 www.usajobs.gov. If using merit promotion procedures, the

1 notice shall expressly state that former employees eligible
2 for reinstatement may apply.”.

3 (2) CLERICAL AMENDMENT.—The table of
4 chapters at the beginning of part III of title 5,
5 United States Code, is amended by adding at the
6 end of subpart I the following:

“103. Notice of employment opportunities for Department of State and USAID positions10301”.

7 **SEC. 7313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT OF STATE.**
8

9 (a) IN GENERAL.—Not later than 18 months after
10 the date of the enactment of this Act, the Secretary of
11 State shall submit to the appropriate congressional committees a comprehensive 5-year strategic staffing plan for
12 the Department of State that is aligned with and furthers
13 the objectives of the National Security Strategy of the
14 United States of America issued in December 2017, or
15 any subsequent strategy issued not later than 18 months
16 after the date of the enactment of this Act, which shall
17 include the following:
18

19 (1) A dataset displaying comprehensive workforce data, including all shortages in bureaus described in GAO report GAO–19–220, for all current
20 and planned employees of the Department,
21
22
23 disaggregated by—

1 (A) Foreign Service officer and Foreign
2 Service specialist rank;

3 (B) civil service job skill code, grade level,
4 and bureau of assignment;

5 (C) contracted employees, including the
6 equivalent job skill code and bureau of assign-
7 ment;

8 (D) employees hired under schedule C of
9 subpart C of part 213 of title 5, Code of Fed-
10 eral Regulations, including the equivalent grade
11 and job skill code and bureau of assignment of
12 such employee; and

13 (E) overseas region.

14 (2) Recommendations on the number of For-
15 eign Service officers disaggregated by service cone
16 that should be posted at each United States diplo-
17 matic post and in the District of Columbia, with a
18 detailed basis for such recommendations.

19 (3) Recommendations on the number of civil
20 service officers that should be employed by the De-
21 partment, with a detailed basis for such rec-
22 ommendations.

23 (b) MAINTENANCE.—The dataset required under
24 subsection (a)(1) shall be maintained and updated on a
25 regular basis.

1 (c) CONSULTATION.—The Secretary of State shall
2 lead the development of the plan required under sub-
3 section (a) but may consult or partner with private sector
4 entities with expertise in labor economics, management,
5 or human resources, as well as organizations familiar with
6 the demands and needs of the Department of State’s
7 workforce.

8 (d) REPORT.—Not later than 120 days after the date
9 of the enactment of this Act, the Secretary of State shall
10 submit to the appropriate congressional committees a re-
11 port regarding root causes of Foreign Service and civil
12 service shortages, the effect of such shortages on national
13 security objectives, and the Department of State’s plan to
14 implement recommendations described in GAO–19–220.

15 **SEC. 7314. CONSULTING SERVICES.**

16 (a) IN GENERAL.—Chapter 103 of title 5, United
17 States Code, as added by section 7312(b) of this Act, is
18 amended by adding at the end the following:

19 **“§ 10302. Consulting services for the Department of**
20 **State**

21 “Any consulting service obtained by the Department
22 of State through procurement contract pursuant to section
23 3109 of title 5, United States Code, shall be limited to
24 those contracts with respect to which expenditures are a
25 matter of public record and available for public inspection,

1 except if otherwise provided under existing law, or under
2 existing Executive order issued pursuant to existing law.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 103 of title 5, United States Code, as added
5 by section 7312(b) of this Act, is amended by adding after
6 the item relating to section 10301 the following new item:
“10302. Consulting services for the Department of State”.

7 **SEC. 7315. INCENTIVES FOR CRITICAL POSTS.**

8 Section 1115(d) of the Supplemental Appropriations
9 Act, 2009 (Public Law 111–32) is amended by striking
10 the last sentence.

11 **SEC. 7316. EXTENSION OF AUTHORITY FOR CERTAIN AC-**
12 **COUNTABILITY REVIEW BOARDS.**

13 Section 301(a)(3) of the Omnibus Diplomatic Secu-
14 rity and Antiterrorism Act of 1986 (22 U.S.C.
15 4831(a)(3)) is amended—

16 (1) in the heading, by striking “AFGHANISTAN
17 AND” and inserting “AFGHANISTAN, YEMEN, SYRIA,
18 AND”; and

19 (2) in subparagraph (A)—

20 (A) in clause (i), by striking “Afghanistan
21 or” and inserting “Afghanistan, Yemen, Syria,
22 or”; and

23 (B) in clause (ii), by striking “beginning
24 on October 1, 2005, and ending on September

1 30, 2009” and inserting “beginning on October
2 1, 2020, and ending on September 30, 2022”.

3 **SEC. 7317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.**

4 Subsection (c) of section 610 of the Foreign Service
5 Act of 1980 (22 U.S.C. 4010) is amended—

6 (1) in paragraph (1), in the matter preceding
7 subparagraph (A), by striking “suspend” and insert-
8 ing “indefinitely suspend without duties”;

9 (2) by redesignating paragraph (5) as para-
10 graph (7);

11 (3) by inserting after paragraph (4) the fol-
12 lowing new paragraphs:

13 “(5) For each member of the Service suspended
14 under paragraph (1)(A) whose security clearance remains
15 suspended for more than one calendar year, not later than
16 30 days after the end of such calendar year the Secretary
17 of State shall report to the Committee on Foreign Affairs
18 of the House of Representatives and the Committee on
19 Foreign Relations of the Senate in writing regarding the
20 specific reasons relating to the duration of each such sus-
21 pension.

22 “(6) Any member of the Service suspended under
23 paragraph (1)(B) may be suspended without pay only
24 after a final written decision is provided to such member
25 pursuant to paragraph (2).”; and

- 1 (4) in paragraph (7), as so redesignated—
- 2 (A) by striking “(7) In this subsection:”;
- 3 (B) in subparagraph (A), by striking “(A)
- 4 The term” and inserting the following:
- 5 “(7) In this subsection, the term—”;
- 6 (C) by redesignating clauses (i) and (ii) as
- 7 subparagraphs (A) and (B), respectively, and
- 8 moving such subparagraphs 2 ems to the left;
- 9 and
- 10 (D) by striking subparagraph (B) (relating
- 11 to the definition of “suspend” and “suspension”).
- 12

13 **SEC. 7318. FOREIGN AFFAIRS MANUAL AND FOREIGN AF-**

14 **FAIRS HANDBOOK CHANGES.**

- 15 (a) **APPLICABILITY.**—The Foreign Affairs Manual
- 16 and the Foreign Affairs Handbook apply with equal force
- 17 and effect and without exception to all Department of
- 18 State personnel, including the Secretary of State, Depart-
- 19 ment employees, and political appointees, regardless of an
- 20 individual’s status as a Foreign Service officer, Civil Serv-
- 21 ice employee, or political appointee hired under any legal
- 22 authority.
- 23 (b) **CERTIFICATION.**—Not later than 30 days after
- 24 the date of the enactment of this Act, the Secretary of
- 25 State shall submit to the appropriate congressional com-

1 mitted a certification in unclassified form that the appli-
2 cability described in subsection (a) has been commu-
3 nicated to all Department personnel, including the per-
4 sonnel referred to in such subsection.

5 (c) REPORT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act and every
8 180 days thereafter for five years, the Secretary of
9 State shall submit to the appropriate congressional
10 committees a report detailing all significant changes
11 made to the Foreign Affairs Manual or the Foreign
12 Affairs Handbook.

13 (2) COVERED PERIODS.—The first report re-
14 quired under paragraph (1) shall cover the 5-year
15 period preceding the submission of such report.
16 Each subsequent report shall cover the 180-day pe-
17 riod preceding submission.

18 (3) CONTENTS.—Each report required under
19 paragraph (1) shall contain the following:

20 (A) The location within the Foreign Af-
21 fairs Manual or the Foreign Affairs Handbook
22 where a change has been made.

23 (B) The statutory basis for each such
24 change, as applicable.

1 (C) A side-by-side comparison of the For-
2 eign Affairs Manual or Foreign Affairs Hand-
3 book before and after such change.

4 (D) A summary of such changes displayed
5 in spreadsheet form.

6 **SEC. 7319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPA-**
7 **TIONAL REQUIREMENTS OF CERTAIN POSI-**
8 **TIONS.**

9 The Secretary of State may waive any or all of the
10 individual occupational requirements with respect to an
11 employee or prospective employee of the Department of
12 State for a civilian position categorized under the GS-
13 0130 occupational series if the Secretary determines that
14 the individual possesses significant scientific, techno-
15 logical, engineering, or mathematical expertise that is inte-
16 gral to performing the duties of the applicable position,
17 based on demonstrated job performance and qualifying ex-
18 perience. With respect to each waiver granted under this
19 subsection, the Secretary shall set forth in a written docu-
20 ment that is transmitted to the Director of the Office of
21 Personnel Management the rationale for the decision of
22 the Secretary to waive such requirements.

1 **SEC. 7320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL**
2 **ENGAGEMENT CENTER.**

3 The Secretary of State may appoint, for a 3-year pe-
4 riod that may be extended for up to an additional two
5 years, solely to carry out the functions of the Global En-
6 gagement Center, employees of the Department of State
7 without regard to the provisions of title 5, United States
8 Code, governing appointment in the competitive service,
9 and may fix the basic compensation of such employees
10 without regard to chapter 51 and subchapter III of chap-
11 ter 53 of such title.

12 **SEC. 7321. REST AND RECUPERATION AND OVERSEAS OP-**
13 **ERATIONS LEAVE FOR FEDERAL EMPLOYEES.**

14 (a) IN GENERAL.—Subchapter II of chapter 63 of
15 title 5, United States Code, is amended by adding at the
16 end the following new sections:

17 **“§ 6329d. Rest and recuperation leave**

18 “(a) DEFINITIONS.—In this section—

19 “(1) the term ‘agency’ means an Executive
20 agency (as that term is defined in section 105), but
21 does not include the Government Accountability Of-
22 fice;

23 “(2) the term ‘combat zone’ means a geo-
24 graphic area designated by an Executive order of the
25 President as an area in which the Armed Forces are
26 engaging or have engaged in combat, an area des-

1 ignated by law to be treated as a combat zone, or
2 a location the Department of Defense has certified
3 for combat zone tax benefits due to its direct sup-
4 port of military operations;

5 “(3) the term ‘employee’ has the meaning given
6 that term in section 6301;

7 “(4) the term ‘high risk, high threat post’ has
8 the meaning given that term in section 104 of the
9 Omnibus Diplomatic Security and Antiterrorism Act
10 of 1986 (22 U.S.C. 4803); and

11 “(5) the term ‘leave year’ means the period be-
12 ginning on the first day of the first complete pay pe-
13 riod in a calendar year and ending on the day imme-
14 diately before the first day of the first complete pay
15 period in the following calendar year.

16 “(b) LEAVE FOR REST AND RECUPERATION.—The
17 head of an agency may prescribe regulations to grant up
18 to 20 days of paid leave, per leave year, for the purposes
19 of rest and recuperation to an employee of the agency
20 serving in a combat zone, any other high risk, high threat
21 post, or any other location presenting significant security
22 or operational challenges.

23 “(c) DISCRETIONARY AUTHORITY OF AGENCY
24 HEAD.—Use of the authority under subsection (b) is at

1 the sole and exclusive discretion of the head of the agency
2 concerned.

3 “(d) RECORDS.—An agency shall record leave pro-
4 vided under this section separately from leave authorized
5 under any other provision of law.

6 **“§ 6329e. Overseas operations leave**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘agency’ means an Executive
9 agency (as that term is defined in section 105), but
10 does not include the Government Accountability Of-
11 fice;

12 “(2) the term ‘employee’ has the meaning given
13 that term in section 6301; and

14 “(3) the term ‘leave year’ means the period be-
15 ginning with the first day of the first complete pay
16 period in a calendar year and ending with the day
17 immediately before the first day of the first complete
18 pay period in the following calendar year.

19 “(b) LEAVE FOR OVERSEAS OPERATIONS.—The head
20 of an agency may prescribe regulations to grant up to 10
21 days of paid leave, per leave year, to an employee of the
22 agency serving abroad where the conduct of business could
23 pose potential security or safety related risks or would be
24 inconsistent with host-country practice. Such regulations
25 may provide that additional leave days may be granted

1 during such leave year if the head of the agency deter-
2 mines that to do so is necessary to advance the national
3 security or foreign policy interests of the United States.

4 “(c) DISCRETIONARY AUTHORITY OF AGENCY
5 HEAD.—Use of the authority under subsection (b) is at
6 the sole and exclusive discretion of the head of the agency
7 concerned.

8 “(d) RECORDS.—An agency shall record leave pro-
9 vided under this section separately from leave authorized
10 under any other provision of law.”.

11 (b) CLERICAL AMENDMENTS.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 6329c the following new
14 items:

“6329d. Rest and recuperation leave

“6329e. Overseas operations leave”.

15 **SEC. 7322. EMERGENCY MEDICAL SERVICES AUTHORITY.**

16 Section 3 of the State Department Basic Authorities
17 Act of 1956 (22 U.S.C. 2670) is amended—

18 (1) in subsection (l), by striking “and” after
19 the semicolon;

20 (2) in subsection (m), by striking the period
21 and inserting “; and”; and

22 (3) by adding at the end the following new sub-
23 section:

1 (A) an institution of higher education (as
2 such term is defined section 102 of the Higher
3 Education Act of 1965 (20 U.S.C. 1002)); or

4 (B) an institution of higher education
5 based outside the United States, as determined
6 by the Secretary of State;

7 (2) be able to receive and hold an appropriate
8 security clearance; and

9 (3) satisfy such other criteria as established by
10 the Secretary.

11 (c) SELECTION.—The Secretary of State shall estab-
12 lish selection criteria for students to be admitted into the
13 Program that includes the following:

14 (1) Demonstrable interest in a career in foreign
15 affairs.

16 (2) Academic performance.

17 (3) Such other criteria as determined by the
18 Secretary.

19 (d) OUTREACH.—The Secretary of State shall adver-
20 tise the Program widely, including on the internet,
21 through the Department of State's Diplomats in Resi-
22 dence program, and through other outreach and recruiting
23 initiatives targeting undergraduate and graduate students.
24 The Secretary shall actively encourage people belonging to
25 traditionally under-represented groups in terms of racial,

1 ethnic, geographic, and gender diversity, and disability
2 status to apply to the Program, including by conducting
3 targeted outreach at minority serving institutions (as such
4 term is described in section 371(a) of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1067q(a)).

6 (e) COMPENSATION.—

7 (1) IN GENERAL.—Students participating in the
8 Program shall be paid at least—

9 (A) the amount specified in section 6(a)(1)
10 of the Fair Labor Standards Act of 1938 (29
11 U.S.C. 206(a)(1)), or

12 (B) the minimum wage of the jurisdiction
13 in which the internship is located,
14 whichever is greater.

15 (2) HOUSING ASSISTANCE.—

16 (A) ABROAD.—The Secretary of State
17 shall provide housing assistance to a student
18 participating in the Program whose permanent
19 address is within the United States if the loca-
20 tion of the internship in which such student is
21 participating is outside the United States.

22 (B) DOMESTIC.—The Secretary of State is
23 authorized to provide housing assistance to a
24 student participating in the Program whose
25 permanent address is within the United States

1 if the location of the internship in which such
2 student is participating is more than 50 miles
3 away from such student's permanent address.

4 (3) TRAVEL ASSISTANCE.—The Secretary of
5 State shall provide a student participating in the
6 Program whose permanent address is within the
7 United States financial assistance to cover the costs
8 of travel once to and once from the location of the
9 internship in which such student is participating, in-
10 cluding travel by air, train, bus, or other transit as
11 appropriate, if the location of such internship is—

12 (A) more than 50 miles from such stu-
13 dent's permanent address; or

14 (B) outside the United States.

15 (f) WORKING WITH INSTITUTIONS OF HIGHER EDU-
16 CATION.—The Secretary of State is authorized to enter
17 into agreements with institutions of higher education to
18 structure internships to ensure such internships satisfy
19 criteria for academic programs in which participants in
20 such internships are enrolled.

21 (g) TRANSITION PERIOD.—

22 (1) IN GENERAL.—Not later than two years
23 after the date of the enactment of this Act, the Sec-
24 retary of State shall transition all unpaid internship
25 programs of the Department, including the Foreign

1 Service Internship Program, to internship programs
2 that offer compensation. Upon selection as a can-
3 didate for entry into an internship program of the
4 Department after such date, a participant in such
5 internship program shall be afforded the opportunity
6 to forgo compensation, including if doing so allows
7 such participant to receive college or university cur-
8 ricular credit.

9 (2) EXCEPTION.—The transition required
10 under paragraph (1) shall not apply in the case of
11 unpaid internship programs of the Department of
12 State that are part of the Virtual Student Federal
13 Service internship program.

14 (3) WAIVER.—

15 (A) IN GENERAL.—The Secretary may
16 waive the requirement under this subsection to
17 transition an unpaid internship program of the
18 Department to an internship program that of-
19 fers compensation if the Secretary determines
20 and not later than 30 days after any such de-
21 termination submits to the appropriate congres-
22 sional committees a report that to do so would
23 not be consistent with effective management
24 goals.

1 (B) REPORT.—The report required under
2 subparagraph (A) shall describe the reason why
3 transitioning an unpaid internship program of
4 the Department to an internship program that
5 offers compensation would not be consistent
6 with effective management goals, including any
7 justification for maintaining such unpaid status
8 indefinitely, or any additional authorities or re-
9 sources necessary to transition such unpaid pro-
10 gram to offer compensation in the future.

11 (h) REPORTS.—Not later than 18 months after the
12 date of the enactment of this Act, the Secretary of State
13 shall submit to the Committee on Foreign Affairs of the
14 House of Representatives and the Committee on Foreign
15 Relations of a Senate a report that includes the following:

16 (1) Data, to the extent collection of such infor-
17 mation is permissible by law, regarding the number
18 of students, disaggregated by race, ethnicity, gender,
19 institution of higher learning, home State, State
20 where each student graduated from high school, and
21 disability status, who applied to the Program, were
22 offered a position, and participated.

23 (2) Data on the number of security clearance
24 investigations started for such students and the
25 timeline for such investigations, including whether

1 such investigations were completed or if, and when,
2 an interim security clearance was granted.

3 (3) Information on expenditures on the Pro-
4 gram.

5 (4) Information regarding the Department of
6 State's compliance with subsection (g).

7 (i) VOLUNTARY PARTICIPATION.—

8 (1) IN GENERAL.—Nothing in this section may
9 be construed to compel any student who is a partici-
10 pant in an internship program of the Department of
11 State to participate in the collection of the data or
12 divulge any personal information. Such students
13 shall be informed that their participation in the data
14 collection contemplated by this section is voluntary.

15 (2) PRIVACY PROTECTION.—Any data collected
16 under this section shall be subject to the relevant
17 privacy protection statutes and regulations applica-
18 ble to Federal employees.

19 (j) SPECIAL HIRING AUTHORITY.—The Department
20 of State may offer compensated internships for not more
21 than 52 weeks, and select, appoint, employ, and remove
22 individuals in such compensated internships without re-
23 gard to the provisions of law governing appointments in
24 the competitive service.

1 (k) USE OF FUNDS.—Internships offered and com-
2 pensated by the Department subject to this section shall
3 be funded by funds authorized to be appropriated by sec-
4 tion 7101.

5 **SEC. 7324. COMPETITIVE STATUS FOR CERTAIN EMPLOY-**
6 **EES HIRED BY INSPECTORS GENERAL TO**
7 **SUPPORT THE LEAD IG MISSION.**

8 Subparagraph (A) of section 8L(d)(5) of the Inspec-
9 tor General Act of 1978 (5 U.S.C. App.) is amended by
10 striking “a lead Inspector General for” and inserting “any
11 of the Inspectors General specified in subsection (e) for
12 oversight of”.

13 **SEC. 7325. COOPERATION WITH OFFICE OF THE INSPECTOR**
14 **GENERAL.**

15 (a) ADMINISTRATIVE DISCIPLINE.—Not later than
16 30 days after the date of the enactment of this Act, the
17 Secretary of State shall make explicit in writing to all De-
18 partment of State personnel, including the Secretary of
19 State, Department employees, contractors, and political
20 appointees, and shall consider updating the Foreign Af-
21 fairs Manual and the Foreign Affairs Handbook to explic-
22 itly specify, that if any of such personnel does not comply
23 within 60 days with a request for an interview or access
24 to documents from the Office of the Inspector General of
25 the Department such personnel may be subject to appro-

1 piate administrative discipline including, when cir-
2 cumstances warrant, suspension without pay or removal.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act and on
6 a quarterly basis thereafter, the Office of the Inspec-
7 tor General of the Department of State and the
8 United States Agency for Global Media shall submit
9 to the appropriate congressional committees and the
10 Secretary of State a report in unclassified form de-
11 tailing the following:

12 (A) The number of individuals who have
13 failed to comply within 60 days with a request
14 for an interview or access to documents from
15 the Office of the Inspector General pertaining
16 to a non-criminal matter.

17 (B) The date on which such requests were
18 initially made.

19 (C) Any extension of time that was volun-
20 tarily granted to such individual by the Office
21 of the Inspector General.

22 (D) The general subject matters regarding
23 which the Office of the Inspector General has
24 requested of such individuals.

1 (2) FORM.—Additional information pertaining
2 solely to the subject matter of a request described in
3 paragraph (1) may be provided in a supplemental
4 classified annex, if necessary, but all other informa-
5 tion required by the reports required under such
6 paragraph shall be provided in unclassified form.

7 **SEC. 7326. INFORMATION ON EDUCATIONAL OPPORTUNI-**
8 **TIES FOR CHILDREN WITH SPECIAL EDU-**
9 **CATIONAL NEEDS CONSISTENT WITH THE IN-**
10 **DIVIDUALS WITH DISABILITIES EDUCATION**
11 **ACT.**

12 Not later than March 31, 2022, and annually there-
13 after, the Director of the Office of Overseas Schools of
14 the Department of State shall maintain and update a list
15 of overseas schools receiving assistance from the Office
16 and detailing the extent to which each such school provides
17 special education and related services to children with dis-
18 abilities in accordance with part B of the Individuals with
19 Disabilities Education Act (20 U.S.C. 1411 et seq.). Each
20 list required under this section shall be posted on the pub-
21 lic website of the Office for access by members of the For-
22 eign Service, Senior Foreign Service, and their eligible
23 family members.

1 **SEC. 7327. IMPLEMENTATION OF GAP MEMORANDUM IN SE-**
2 **LECTION BOARD PROCESS.**

3 (a) IN GENERAL.—Section 603 of the Foreign Serv-
4 ice Act of 1980 (22 U.S.C. 4003) is amended by adding
5 at the end the following new subsection:

6 “(c)(1) A member of the Service or member of the
7 Senior Foreign Service whose performance will be evalu-
8 ated by a selection board may submit to such selection
9 board a gap memo in advance of such evaluation.

10 “(2) Members of a selection board may not consider
11 as negative the submission of a gap memo by a member
12 described in paragraph (1) when evaluating the perform-
13 ance of such member.

14 “(3) In this subsection, the term ‘gap memo’ means
15 a written record, submitted to a selection board in a stand-
16 ard format established by the Director General of the For-
17 eign Service, which indicates and explains a gap in the
18 record of a member of the Service or member of the Senior
19 Foreign Service whose performance will be evaluated by
20 such selection board, which gap is due to personal cir-
21 cumstances, including for health, family, or other reason
22 as determined by the Director General in consultation with
23 the Committee on Foreign Affairs of the House of Rep-
24 resentatives and the Committee on Foreign Relations of
25 the Senate.”.

26 (b) CONSULTATION AND GUIDANCE.—

1 (1) CONSULTATION.—Not later than 30 days
2 after the date of the enactment of this Act, the Di-
3 rector General of the Foreign Service shall consult
4 with the Committee on Foreign Affairs of the House
5 of Representatives and the Committee on Foreign
6 Relations of the Senate regarding the development
7 of the gap memo under subsection (c) of section 603
8 of the Foreign Service Act of 1980, as added by sub-
9 section (a).

10 (2) DEFINITION.—In this subsection, the term
11 “gap memo” has the meaning given such term in
12 subsection (c) of section 603 of the Foreign Service
13 Act of 1980.

14 **Subtitle D—A Diverse Workforce:**
15 **Recruitment, Retention, and**
16 **Promotion**

17 **SEC. 7401. DEFINITIONS.**

18 In this subtitle:

19 (1) APPLICANT FLOW DATA.—The term “appli-
20 cant flow data” means data that tracks the rate of
21 applications for job positions among demographic
22 categories.

23 (2) DEMOGRAPHIC DATA.—The term “demo-
24 graphic data” means facts or statistics relating to
25 the demographic categories specified in the Office of

1 Management and Budget statistical policy directive
2 entitled “Standards for Maintaining, Collecting, and
3 Presenting Federal Data on Race and Ethnicity”
4 (81 Fed. Reg. 67398).

5 (3) DIVERSITY.—The term “diversity” means
6 those classes of persons protected under the Civil
7 Rights Act of 1964 (42 U.S.C. 2000a et seq.) and
8 the Americans with Disabilities Act of 1990 (42
9 U.S.C. 12101 et seq.).

10 (4) WORKFORCE.—The term “workforce”
11 means—

12 (A) individuals serving in a position in the
13 civil service (as such term is defined in section
14 2101 of title 5, United States Code);

15 (B) individuals who are members of the
16 Foreign Service (as such term defined in sec-
17 tion 103 of the Foreign Service Act of 1980 (22
18 U.S.C. 3902));

19 (C) all individuals serving under a personal
20 services contract;

21 (D) all individuals serving under a Foreign
22 Service limited appointment under section 309
23 of the Foreign Service Act of 1980 (22 U.S.C.
24 3949); or

1 (E) individuals other than Locally Em-
2 ployed Staff working in the Department of
3 State under any other authority.

4 **SEC. 7402. COLLECTION, ANALYSIS, AND DISSEMINATION**
5 **OF WORKFORCE DATA.**

6 (a) INITIAL REPORT.—Not later than 180 days after
7 the date of the enactment of this Act, the Secretary of
8 State shall, in consultation with the Director of the Office
9 of Personnel Management and the Director of the Office
10 of Management and Budget, submit to the appropriate
11 congressional committees a report, which shall also be
12 published on a publicly available website of the Depart-
13 ment in a searchable database format, that includes
14 disaggregated demographic data and other information re-
15 garding the diversity of the workforce of the Department
16 of State.

17 (b) DATA.—The report under subsection (a) shall in-
18 clude the following data to the maximum extent collection
19 of such data is permissible by law:

20 (1) Demographic data on each element of the
21 workforce of the Department of State, disaggregated
22 by rank and grade or grade-equivalent, with respect
23 to the following groups:

24 (A) Applicants for positions in the Depart-
25 ment.

1 (B) Individuals hired to join the workforce.

2 (C) Individuals promoted during the 5-year
3 period ending on the date of the enactment of
4 this Act, including promotions to and within the
5 Senior Executive Service or the Senior Foreign
6 Service.

7 (D) Individuals serving during the 5-year
8 period ending on the date of the enactment of
9 this Act as special assistants in any of the of-
10 fices of the Secretary of State, the Deputy Sec-
11 retary of State, the Counselor of the Depart-
12 ment of State, the Secretary's Policy Planning
13 Staff, the Under Secretary for Arms Control
14 and International Security, the Under Secretary
15 for Civilian Security, Democracy, and Human
16 Rights, the Under Secretary for Economic
17 Growth, Energy, and the Environment, the Un-
18 dersecretary for Management, the Undersecre-
19 tary of State for Political Affairs, and the Un-
20 dersecretary for Public Diplomacy and Public
21 Affairs.

22 (E) Individuals serving in the 5-year pe-
23 riod ending on the date of the enactment of this
24 Act in each bureau's front office.

1 (F) Individuals serving in the 5-year pe-
2 riod ending on the date of the enactment of this
3 Act as detailees to the National Security Coun-
4 cil.

5 (G) Individuals serving on applicable selec-
6 tion boards.

7 (H) Members of any external advisory
8 committee or board who are subject to appoint-
9 ment by individuals at senior positions in the
10 Department.

11 (I) Individuals participating in professional
12 development programs of the Department, and
13 the extent to which such participants have been
14 placed into senior positions within the Depart-
15 ment after such participation.

16 (J) Individuals participating in mentorship
17 or retention programs.

18 (K) Individuals who separated from the
19 agency during the 5-year period ending on the
20 date of the enactment of this Act, including in-
21 dividuals in the Senior Executive Service or the
22 Senior Foreign Service.

23 (2) An assessment of agency compliance with
24 the essential elements identified in Equal Employ-

1 ment Opportunity Commission Management Direc-
2 tive 715, effective October 1, 2003.

3 (3) Data on the overall number of individuals
4 who are part of the workforce, the percentages of
5 such workforce corresponding to each element speci-
6 fied in section 1401(4), and the percentages cor-
7 responding to each rank, grade, or grade-equivalent.

8 (c) RECOMMENDATION.—The Secretary of State may
9 include in the report under subsection (a) a recommenda-
10 tion to the Director of Office of Management and Budget
11 and to the appropriate congressional committees regarding
12 whether the Department of State should be permitted to
13 collect more detailed data on demographic categories in
14 addition to the race and ethnicity categories specified in
15 the Office of Management and Budget statistical policy
16 directive entitled “Standards for Maintaining, Collecting,
17 and Presenting Federal Data on Race and Ethnicity” (81
18 Fed. Reg. 67398), in order to comply with the intent and
19 requirements of this Act.

20 (d) OTHER CONTENTS.—The report under sub-
21 section (a) shall also describe and assess the effectiveness
22 of the efforts of the Department of State—

23 (1) to propagate fairness, impartiality, and in-
24 clusion in the work environment, both domestically
25 and abroad;

1 (2) to enforce anti-harassment and anti-dis-
2 crimination policies, both domestically and at posts
3 overseas;

4 (3) to refrain from engaging in unlawful dis-
5 crimination in any phase of the employment process,
6 including recruitment, hiring, evaluation, assign-
7 ments, promotion, retention, and training;

8 (4) to prevent retaliation against employees for
9 participating in a protected equal employment op-
10 portunity activity or for reporting sexual harassment
11 or sexual assault;

12 (5) to provide reasonable accommodation for
13 qualified employees and applicants with disabilities;
14 and

15 (6) to recruit a representative workforce by—

16 (A) recruiting women, persons with disabil-
17 ities, and minorities;

18 (B) recruiting at women’s colleges, histori-
19 cally Black colleges and universities, minority-
20 serving institutions, and other institutions serv-
21 ing a significant percentage of minority stu-
22 dents;

23 (C) placing job advertisements in news-
24 papers, magazines, and job sites oriented to-
25 ward women and minorities;

1 (D) sponsoring and recruiting at job fairs
2 in urban and rural communities and land-grant
3 colleges or universities;

4 (E) providing opportunities through the
5 Foreign Service Internship Program under
6 chapter 12 of the Foreign Service Act of 1980
7 (22 U.S.C. 4141 et seq.) and other hiring ini-
8 tiatives;

9 (F) recruiting mid-level and senior-level
10 professionals through programs designed to in-
11 crease representation in international affairs of
12 people belonging to traditionally under-rep-
13 resented groups;

14 (G) offering the Foreign Service written
15 and oral assessment examinations in several lo-
16 cations throughout the United States to reduce
17 the burden of applicants having to travel at
18 their own expense to take either or both such
19 examinations;

20 (H) expanding the use of paid internships;
21 and

22 (I) supporting recruiting and hiring oppor-
23 tunities through—

24 (i) the Charles B. Rangel Inter-
25 national Affairs Fellowship Program;

1 (ii) the Thomas R. Pickering Foreign
2 Affairs Fellowship Program; and

3 (iii) other initiatives, including agen-
4 cy-wide policy initiatives.

5 (e) ANNUAL UPDATES.—Not later than one year
6 after the publication of the report required under sub-
7 section (a) and annually thereafter for the following five
8 years, the Secretary of State shall work with the Director
9 of the Office of Personnel Management and the Director
10 of the Office of Management and Budget to provide a re-
11 port to the appropriate congressional committees, which
12 shall be posted on the Department’s website, which may
13 be included in another annual report required under an-
14 other provision of law, that includes—

15 (1) disaggregated demographic data, to the
16 maximum extent collection of such data is permis-
17 sible by law, relating to the workforce and informa-
18 tion on the status of diversity and inclusion efforts
19 of the Department;

20 (2) an analysis of applicant flow data, to the
21 maximum extent collection of such data is permis-
22 sible by law,; and

23 (3) disaggregated demographic data relating to
24 participants in professional development programs of

1 the Department and the rate of placement into sen-
2 ior positions for participants in such programs.

3 **SEC. 7403. EXIT INTERVIEWS FOR WORKFORCE.**

4 (a) **RETAINED MEMBERS.**—The Director General of
5 the Foreign Service and the Director of the Bureau of
6 Human Resources or its equivalent shall conduct periodic
7 interviews with a representative and diverse cross-section
8 of the workforce of the Department of State—

9 (1) to understand the reasons of individuals in
10 such workforce for remaining in a position in the
11 Department; and

12 (2) to receive feedback on workplace policies,
13 professional development opportunities, and other
14 issues affecting the decision of individuals in the
15 workforce to remain in the Department.

16 (b) **DEPARTING MEMBERS.**—The Director General of
17 the Foreign Service and the Director of the Bureau of
18 Human Resources or its equivalent shall provide an oppor-
19 tunity for an exit interview to each individual in the work-
20 force of the Department of State who separates from serv-
21 ice with the Department to better understand the reasons
22 of such individual for leaving such service.

23 (c) **USE OF ANALYSIS FROM INTERVIEWS.**—The Di-
24 rector General of the Foreign Service and the Director of
25 the Bureau of Human Resources or its equivalent shall

1 analyze demographic data and other information obtained
2 through interviews under subsections (a) and (b) to deter-
3 mine—

4 (1) to what extent, if any, the diversity of those
5 participating in such interviews impacts the results;
6 and

7 (2) whether to implement any policy changes or
8 include any recommendations in a report required
9 under subsection (a) or (e) of section 1402 relating
10 to the determination reached pursuant to paragraph
11 (1).

12 (d) TRACKING DATA.—The Department of State
13 shall—

14 (1) track demographic data relating to partici-
15 pants in professional development programs and the
16 rate of placement into senior positions for partici-
17 pants in such programs;

18 (2) annually evaluate such data—

19 (A) to identify ways to improve outreach
20 and recruitment for such programs, consistent
21 with merit system principles; and

22 (B) to understand the extent to which par-
23 ticipation in any professional development pro-
24 gram offered or sponsored by the Department

1 differs among the demographic categories of the
2 workforce; and

3 (3) actively encourage participation from a
4 range of demographic categories, especially from cat-
5 egories with consistently low participation, in such
6 professional development programs.

7 **SEC. 7404. RECRUITMENT AND RETENTION.**

8 (a) IN GENERAL.—The Secretary of State shall—

9 (1) continue to seek a diverse and talented pool
10 of applicants; and

11 (2) instruct the Director General of the Foreign
12 Service and the Director of the Bureau of Human
13 Resources of the Department of State to have a re-
14 cruitment plan of action for the recruitment of peo-
15 ple belonging to traditionally under-represented
16 groups, which should include outreach at appro-
17 priate colleges, universities, affinity groups, and pro-
18 fessional associations.

19 (b) SCOPE.—The diversity recruitment initiatives de-
20 scribed in subsection (a) shall include—

21 (1) recruiting at women’s colleges, historically
22 Black colleges and universities, minority-serving in-
23 stitutions, and other institutions serving a signifi-
24 cant percentage of minority students;

1 (2) placing job advertisements in newspapers,
2 magazines, and job sites oriented toward diverse
3 groups;

4 (3) sponsoring and recruiting at job fairs in
5 urban and rural communities and land-grant colleges
6 or universities;

7 (4) providing opportunities through highly re-
8 spected, international leadership programs, that
9 focus on diversity recruitment and retention;

10 (5) expanding the use of paid internships; and

11 (6) cultivating partnerships with organizations
12 dedicated to the advancement of the profession of
13 international affairs and national security to advance
14 shared diversity goals.

15 (c) EXPAND TRAINING ON ANTI-HARASSMENT AND
16 ANTI-DISCRIMINATION.—

17 (1) IN GENERAL.—The Secretary of State shall,
18 through the Foreign Service Institute and other edu-
19 cational and training opportunities—

20 (A) ensure the provision to all individuals
21 in the workforce of training on anti-harassment
22 and anti-discrimination information and poli-
23 cies, including in existing Foreign Service Insti-
24 tute courses or modules prioritized in the De-
25 partment of State’s Diversity and Inclusion

1 Strategic Plan for 2016–2020 to promote diver-
2 sity in Bureau awards or mitigate unconscious
3 bias;

4 (B) expand the provision of training on
5 workplace rights and responsibilities to focus on
6 anti-harassment and anti-discrimination infor-
7 mation and policies, including policies relating
8 to sexual assault prevention and response; and

9 (C) make such expanded training manda-
10 tory for—

11 (i) individuals in senior and super-
12 visory positions;

13 (ii) individuals having responsibilities
14 related to recruitment, retention, or pro-
15 motion of employees; and

16 (iii) any other individual determined
17 by the Department who needs such train-
18 ing based on analysis by the Department
19 or OPM analysis.

20 (2) BEST PRACTICES.—The Department of
21 State shall give special attention to ensuring the
22 continuous incorporation of research-based best
23 practices in training provided under this subsection.

1 **SEC. 7405. PROMOTING DIVERSITY AND INCLUSION IN THE**
2 **NATIONAL SECURITY WORKFORCE.**

3 (a) IN GENERAL.—The Secretary of State shall en-
4 sure that individuals in senior and supervisory positions
5 of the Department of State, or Department individuals
6 having responsibilities related to recruitment, retention, or
7 promotion of employees, should have a demonstrated com-
8 mitment to equal opportunity, diversity, and inclusion.

9 (b) CONSIDERATION.—In making any recommenda-
10 tions on nominations, conducting interviews, identifying or
11 selecting candidates, or appointing acting individuals for
12 positions equivalent to an Assistant Secretary or above,
13 the Secretary of State shall use best efforts to consider
14 at least one individual reflective of diversity.

15 (c) ESTABLISHMENT.—

16 (1) IN GENERAL.—The Secretary of State shall
17 establish a mechanism to ensure that appointments
18 or details of Department of State employees to staff
19 positions in the Offices of the Secretary, the Deputy
20 Secretary, the Counselor of the Department, the
21 Secretary's Policy Planning Staff, or any of the
22 Undersecretaries of State, and details to the Na-
23 tional Security Council, are transparent, competitive,
24 equitable, and inclusive, and made without regard to
25 an individual's race, color, religion, sex (including
26 pregnancy, transgender status, or sexual orienta-

1 tion), national origin, age (if 40 or older), disability,
2 or genetic information.

3 (2) REPORT.—Not later than 90 days after the
4 date of the enactment of this Act, the Secretary of
5 State shall submit to the appropriate congressional
6 committees a report regarding the mechanism re-
7 quired under paragraph (1).

8 (d) AVAILABILITY.—The Secretary of State shall use
9 best efforts to consider at least one individual reflective
10 of diversity for the staff positions specified in subsection
11 (c)(1) and ensure such positions are equitably available
12 to employees of the civil service and Foreign Service.

13 **SEC. 7406. LEADERSHIP ENGAGEMENT AND ACCOUNT-**
14 **ABILITY.**

15 (a) REWARD AND RECOGNIZE EFFORTS TO PRO-
16 MOTE DIVERSITY AND INCLUSION.—

17 (1) IN GENERAL.—The Secretary of State shall
18 implement performance and advancement require-
19 ments that reward and recognize the efforts of indi-
20 viduals in senior positions and supervisors in the De-
21 partment of State in fostering an inclusive environ-
22 ment and cultivating talent consistent with merit
23 system principles, such as through participation in
24 mentoring programs or sponsorship initiatives, re-
25 cruitment events, and other similar opportunities.

1 (2) OUTREACH EVENTS.—The Secretary of
2 State shall create opportunities for individuals in
3 senior positions and supervisors in the Department
4 of State to participate in outreach events and to dis-
5 cuss issues relating to diversity and inclusion with
6 the workforce on a regular basis, including with em-
7 ployee resource groups.

8 (b) EXTERNAL ADVISORY COMMITTEES AND
9 BOARDS.—For each external advisory committee or board
10 to which individuals in senior positions in the Department
11 of State appoint members, the Secretary of State is
12 strongly encouraged by Congress to ensure such external
13 advisory committee or board is developed, reviewed, and
14 carried out by qualified teams that represent the diversity
15 of the organization.

16 **SEC. 7407. PROFESSIONAL DEVELOPMENT OPPORTUNITIES**
17 **AND TOOLS.**

18 (a) EXPAND PROVISION OF PROFESSIONAL DEVEL-
19 OPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

20 (1) IN GENERAL.—The Secretary of State is
21 authorized to expand professional development op-
22 portunities that support the mission needs of the
23 Department of State, such as—

24 (A) academic programs;

25 (B) private-public exchanges; and

1 (C) detail assignments to relevant positions
2 in—

3 (i) private or international organiza-
4 tions;

5 (ii) State, local, and Tribal govern-
6 ments;

7 (iii) other branches of the Federal
8 Government; or

9 (iv) professional schools of inter-
10 national affairs.

11 (2) TRAINING FOR SENIOR POSITIONS.—

12 (A) IN GENERAL.—The Secretary of State
13 shall offer, or sponsor members of the work-
14 force to participate in, a Senior Executive Serv-
15 ice candidate development program or other
16 program that trains members on the skills re-
17 quired for appointment to senior positions in
18 the Department of State.

19 (B) REQUIREMENTS.—In determining
20 which members of the workforce are granted
21 professional development or career advancement
22 opportunities under subparagraph (A), the Sec-
23 retary of State shall—

24 (i) ensure any program offered or
25 sponsored by the Department of State

1 under such subparagraph comports with
2 the requirements of subpart C of part 412
3 of title 5, Code of Federal Regulations, or
4 any successor thereto, including merit
5 staffing and assessment requirements;

6 (ii) consider the number of expected
7 vacancies in senior positions as a factor in
8 determining the number of candidates to
9 select for such programs;

10 (iii) understand how participation in
11 any program offered or sponsored by the
12 Department under such subparagraph dif-
13 fers by gender, race, national origin, dis-
14 ability status, or other demographic cat-
15 egories; and

16 (iv) actively encourage participation
17 from a range of demographic categories,
18 especially from categories with consistently
19 low participation.

20 **SEC. 7408. EXAMINATION AND ORAL ASSESSMENT FOR THE**
21 **FOREIGN SERVICE.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the Department of State should offer both the
24 Foreign Service written examination and oral assessment
25 in more locations throughout the United States. Doing so

1 would ease the financial burden on potential candidates
2 who do not currently reside in and must travel at their
3 own expense to one of the few locations where these as-
4 sessments are offered.

5 (b) FOREIGN SERVICE EXAMINATIONS.—Section
6 301(b) of the Foreign Service Act of 1980 (22 U.S.C.
7 3941) is amended—

8 (1) by striking “The Secretary” and inserting:
9 “(1) The Secretary”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) The Secretary shall ensure that the Board of
13 Examiners for the Foreign Service annually offers the oral
14 assessment examinations described in paragraph (1) in
15 cities, chosen on a rotating basis, located in at least three
16 different time zones across the United States.”.

17 **SEC. 7409. PAYNE FELLOWSHIP AUTHORIZATION.**

18 (a) IN GENERAL.—Undergraduate and graduate
19 components of the Donald M. Payne International Devel-
20 opment Fellowship Program may conduct outreach to at-
21 tract outstanding students with an interest in pursuing
22 a Foreign Service career who represent diverse ethnic and
23 socioeconomic backgrounds.

1 (b) REVIEW OF PAST PROGRAMS.—The Secretary of
2 State shall review past programs designed to increase mi-
3 nority representation in international affairs positions.

4 **SEC. 7410. VOLUNTARY PARTICIPATION.**

5 (a) IN GENERAL.—Nothing in this subtitle should be
6 construed so as to compel any employee to participate in
7 the collection of the data or divulge any personal informa-
8 tion. Department of State employees shall be informed
9 that their participation in the data collection contemplated
10 by this subtitle is voluntary.

11 (b) PRIVACY PROTECTION.—Any data collected
12 under this subtitle shall be subject to the relevant privacy
13 protection statutes and regulations applicable to Federal
14 employees.

15 **Subtitle E—Information Security**

16 **SEC. 7501. DEFINITIONS.**

17 In this subtitle:

18 (1) INTELLIGENCE COMMUNITY.—The term
19 “intelligence community” has the meaning given
20 such term in section 3(4) of the National Security
21 Act of 1947 (50 U.S.C. 3003(4)).

22 (2) RELEVANT CONGRESSIONAL COMMIT-
23 TEES.—The term “relevant congressional commit-
24 tees” means—

1 (A) the appropriate congressional commit-
2 tees;

3 (B) the Select Committee on Intelligence
4 of the Senate; and

5 (C) the Permanent Select Committee on
6 Intelligence of the House of Representatives.

7 **SEC. 7502. LIST OF CERTAIN TELECOMMUNICATIONS PRO-**
8 **VIDERS.**

9 (a) LIST OF COVERED CONTRACTORS.—Not later
10 than 30 days after the date of the enactment of this Act,
11 the Secretary of State, in consultation with the Director
12 of National Intelligence, shall develop or maintain, as the
13 case may be, and update as frequently as the Secretary
14 determines appropriate, a list of covered contractors with
15 respect to which the Department should seek to avoid en-
16 tering into contracts. Not later than 30 days after the ini-
17 tial development of the list under this subsection, any up-
18 date thereto, and annually thereafter for five years after
19 such initial 30 day period, the Secretary shall submit to
20 the appropriate congressional committees a copy of such
21 list.

22 (b) COVERED CONTRACTOR DEFINED.—In this sec-
23 tion, the term “covered contractor” means a provider of
24 telecommunications, telecommunications equipment, or in-
25 formation technology equipment, including hardware, soft-

1 ware, or services, that has knowingly assisted or facilitated
2 a cyber attack or conducted surveillance, including passive
3 or active monitoring, carried out against—

4 (1) the United States by, or on behalf of, any
5 government, or persons associated with such govern-
6 ment, listed as a cyber threat actor in the intel-
7 ligence community’s 2017 assessment of worldwide
8 threats to United States national security or any
9 subsequent worldwide threat assessment of the intel-
10 ligence community; or

11 (2) individuals, including activists, journalists,
12 opposition politicians, or other individuals for the
13 purposes of suppressing dissent or intimidating crit-
14 ics, on behalf of a country included in the annual
15 country reports on human rights practices of the
16 Department for systematic acts of political repres-
17 sion, including arbitrary arrest or detention, torture,
18 extrajudicial or politically motivated killing, or other
19 gross violations of human rights.

20 **SEC. 7503. PRESERVING RECORDS OF ELECTRONIC COM-**
21 **MUNICATIONS CONDUCTED RELATED TO OF-**
22 **FICIAL DUTIES OF POSITIONS IN THE PUBLIC**
23 **TRUST OF THE AMERICAN PEOPLE.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that all officers and employees of the Department

1 and the United States Agency for International Develop-
2 ment are obligated under chapter 31 of title 44, United
3 States Code (popularly referred to as the Federal Records
4 Act of 1950), to create and preserve records containing
5 adequate and proper documentation of the organization,
6 functions, policies, decisions, procedures, and essential
7 transactions or operations of the Department and United
8 States embassies, consulates, and missions abroad, includ-
9 ing records of official communications with foreign govern-
10 ment officials or other foreign entities.

11 (b) CERTIFICATION.—Not later than 180 days after
12 the date of the enactment of this Act, the Secretary shall
13 submit to the appropriate congressional committees a cer-
14 tification in unclassified form that Secretary has commu-
15 nicated to all Department personnel, including the Sec-
16 retary of State and all political appointees, that such per-
17 sonnel are obligated under chapter 31 of title 44, United
18 States Code, to treat electronic messaging systems, soft-
19 ware, and applications as equivalent to electronic mail for
20 the purpose of identifying Federal records.

21 **SEC. 7504. FOREIGN RELATIONS OF THE UNITED STATES**

22 **(FRUS) SERIES AND DECLASSIFICATION.**

23 The State Department Basic Authorities Act of 1956
24 is amended—

1 (1) in section 402(a)(2) (22 U.S.C.
2 4352(a)(2)), by striking “26” and inserting “20”;
3 and

4 (2) in section 404 (22 U.S.C. 4354)—

5 (A) in subsection (a)(1), by striking
6 “30” and inserting “25”; and

7 (B) in subsection (c)(1)(C), by striking
8 “30” and inserting “25”.

9 **SEC. 7505. VULNERABILITY DISCLOSURE POLICY AND BUG**
10 **BOUNTY PILOT PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) BUG BOUNTY PROGRAM.—The term “bug
13 bounty program” means a program under which an
14 approved individual, organization, or company is
15 temporarily authorized to identify and report
16 vulnerabilities of internet-facing information tech-
17 nology of the Department of State in exchange for
18 compensation.

19 (2) INFORMATION TECHNOLOGY.—The term
20 “information technology” has the meaning given
21 such term in section 11101 of title 40, United
22 States Code.

23 (b) VULNERABILITY DISCLOSURE PROCESS.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary of State shall design, establish, and make
2 publicly known a Vulnerability Disclosure Process
3 (VDP) to improve Department of State cybersecurity by—
4

5 (A) providing security researchers with
6 clear guidelines for—

7 (i) conducting vulnerability discovery
8 activities directed at Department informa-
9 tion technology; and

10 (ii) submitting discovered security
11 vulnerabilities to the Department; and

12 (B) creating Department procedures and
13 infrastructure to receive and fix discovered
14 vulnerabilities.

15 (2) REQUIREMENTS.—In establishing the VDP
16 pursuant to paragraph (1), the Secretary of State
17 shall—

18 (A) identify which Department of State in-
19 formation technology should be included in the
20 process;

21 (B) determine whether the process should
22 differentiate among and specify the types of se-
23 curity vulnerabilities that may be targeted;

24 (C) provide a readily available means of re-
25 porting discovered security vulnerabilities and

1 the form in which such vulnerabilities should be
2 reported;

3 (D) identify which Department offices and
4 positions will be responsible for receiving,
5 prioritizing, and addressing security vulner-
6 ability disclosure reports;

7 (E) consult with the Attorney General re-
8 garding how to ensure that individuals, organi-
9 zations, and companies that comply with the re-
10 quirements of the process are protected from
11 prosecution under section 1030 of title 18,
12 United States Code, and similar provisions of
13 law for specific activities authorized under the
14 process;

15 (F) consult with the relevant offices at the
16 Department of Defense that were responsible
17 for launching the 2016 Vulnerability Disclosure
18 Program, “Hack the Pentagon”, and subse-
19 quent Department of Defense bug bounty pro-
20 grams;

21 (G) engage qualified interested persons, in-
22 cluding nongovernmental sector representatives,
23 about the structure of the process as construc-
24 tive and to the extent practicable; and

1 (H) award contracts to entities, as nec-
2 essary, to manage the process and implement
3 the remediation of discovered security
4 vulnerabilities.

5 (3) ANNUAL REPORTS.—Not later than 180
6 days after the establishment of the VDP under para-
7 graph (1) and annually thereafter for the next five
8 years, the Secretary of State shall submit to the
9 Committee on Foreign Affairs of the House of Rep-
10 resentatives and the Committee on Foreign Rela-
11 tions of the Senate a report on the VDP, including
12 information relating to the following:

13 (A) The number and severity of all secu-
14 rity vulnerabilities reported.

15 (B) The number of previously unidentified
16 security vulnerabilities remediated as a result.

17 (C) The current number of outstanding
18 previously unidentified security vulnerabilities
19 and Department of State remediation plans.

20 (D) The average length of time between
21 the reporting of security vulnerabilities and re-
22 mediation of such vulnerabilities.

23 (E) The resources, surge staffing, roles,
24 and responsibilities within the Department used

1 to implement the VDP and complete security
2 vulnerability remediation.

3 (F) Any other information the Secretary
4 determines relevant.

5 (c) BUG BOUNTY PILOT PROGRAM.—

6 (1) IN GENERAL.—Not later than one year
7 after the date of the enactment of this Act, the Sec-
8 retary of State shall establish a bug bounty pilot
9 program to minimize security vulnerabilities of inter-
10 net-facing information technology of the Department
11 of State.

12 (2) REQUIREMENTS.—In establishing the pilot
13 program described in paragraph (1), the Secretary
14 of State shall—

15 (A) provide compensation for reports of
16 previously unidentified security vulnerabilities
17 within the websites, applications, and other
18 internet-facing information technology of the
19 Department of State that are accessible to the
20 public;

21 (B) award contracts to entities, as nec-
22 essary, to manage such pilot program and for
23 executing the remediation of security
24 vulnerabilities identified pursuant to subpara-
25 graph (A);

1 (C) identify which Department of State in-
2 formation technology should be included in such
3 pilot program;

4 (D) consult with the Attorney General on
5 how to ensure that individuals, organizations,
6 or companies that comply with the requirements
7 of such pilot program are protected from pros-
8 ecution under section 1030 of title 18, United
9 States Code, and similar provisions of law for
10 specific activities authorized under such pilot
11 program;

12 (E) consult with the relevant offices at the
13 Department of Defense that were responsible
14 for launching the 2016 “Hack the Pentagon”
15 pilot program and subsequent Department of
16 Defense bug bounty programs;

17 (F) develop a process by which an ap-
18 proved individual, organization, or company can
19 register with the entity referred to in subpara-
20 graph (B), submit to a background check as de-
21 termined by the Department of State, and re-
22 ceive a determination as to eligibility for par-
23 ticipation in such pilot program;

24 (G) engage qualified interested persons, in-
25 cluding nongovernmental sector representatives,

1 about the structure of such pilot program as
2 constructive and to the extent practicable; and

3 (H) consult with relevant United States
4 Government officials to ensure that such pilot
5 program complements persistent network and
6 vulnerability scans of the Department of State's
7 internet-accessible systems, such as the scans
8 conducted pursuant to Binding Operational Di-
9 rective BOD-19-02 or successor directive.

10 (3) DURATION.—The pilot program established
11 under paragraph (1) should be short-term in dura-
12 tion and not last longer than one year.

13 (4) REPORT.—Not later than 180 days after
14 the date on which the bug bounty pilot program
15 under subsection (a) is completed, the Secretary of
16 State shall submit to the Committee on Foreign Re-
17 lations of the Senate and the Committee on Foreign
18 Affairs of the House of Representatives a report on
19 such pilot program, including information relating
20 to—

21 (A) the number of approved individuals,
22 organizations, or companies involved in such
23 pilot program, broken down by the number of
24 approved individuals, organizations, or compa-
25 nies that—

- 1 (i) registered;
- 2 (ii) were approved;
- 3 (iii) submitted security vulnerabilities;
- 4 and
- 5 (iv) received compensation;
- 6 (B) the number and severity of all security
- 7 vulnerabilities reported as part of such pilot
- 8 program;
- 9 (C) the number of previously unidentified
- 10 security vulnerabilities remediated as a result of
- 11 such pilot program;
- 12 (D) the current number of outstanding
- 13 previously unidentified security vulnerabilities
- 14 and Department remediation plans;
- 15 (E) the average length of time between the
- 16 reporting of security vulnerabilities and remedi-
- 17 ation of such vulnerabilities;
- 18 (F) the types of compensation provided
- 19 under such pilot program; and
- 20 (G) the lessons learned from such pilot
- 21 program.

22 (d) USE OF FUNDS.—Compensation offered by the

23 Department subject to this section shall be funded by

24 funds authorized to be appropriated by section 7101.

1 **Subtitle F—Public Diplomacy**

2 **SEC. 7601. SHORT TITLE.**

3 This subtitle may be cited as the “Public Diplomacy
4 Modernization Act of 2021”.

5 **SEC. 7602. AVOIDING DUPLICATION OF PROGRAMS AND EF-** 6 **FORTS.**

7 The Secretary of State shall—

8 (1) identify opportunities for greater efficiency
9 of operations, including through improved coordina-
10 tion of efforts across public diplomacy bureaus and
11 offices of the Department of State; and

12 (2) maximize shared use of resources between,
13 and within, such public diplomacy bureaus and of-
14 fices in cases in which programs, facilities, or admin-
15 istrative functions are duplicative or substantially
16 overlapping.

17 **SEC. 7603. IMPROVING RESEARCH AND EVALUATION OF** 18 **PUBLIC DIPLOMACY.**

19 (a) **RESEARCH AND EVALUATION ACTIVITIES.**—The
20 Secretary of State, acting through the Director of Re-
21 search and Evaluation appointed pursuant to subsection
22 (b), shall—

23 (1) conduct regular research and evaluation of
24 public diplomacy programs and activities of the De-
25 partment, including through the routine use of audi-

1 ence research, digital analytics, and impact evalua-
2 tions, to plan and execute such programs and activi-
3 ties; and

4 (2) make available to Congress the findings of
5 the research and evaluations conducted under para-
6 graph (1).

7 (b) DIRECTOR OF RESEARCH AND EVALUATION.—

8 (1) APPOINTMENT.—Not later than 90 days
9 after the date of the enactment of this Act, the Sec-
10 retary of State shall appoint a Director of Research
11 and Evaluation (referred to in this subsection as the
12 “Director”) in the Office of Policy, Planning, and
13 Resources for Public Diplomacy and Public Affairs
14 of the Department.

15 (2) LIMITATION ON APPOINTMENT.—The ap-
16 pointment of the Director pursuant to paragraph (1)
17 shall not result in an increase in the overall full-time
18 equivalent positions within the Department of State.

19 (3) RESPONSIBILITIES.—The Director shall—

20 (A) coordinate and oversee the research
21 and evaluation of public diplomacy programs
22 and activities of the Department of State in
23 order to—

24 (i) improve public diplomacy strate-
25 gies and tactics; and

1 (ii) ensure that such programs and
2 activities are increasing the knowledge, un-
3 derstanding, and trust of the United
4 States by relevant target audiences;

5 (B) routinely organize and oversee audi-
6 ence research, digital analytics, and impact
7 evaluations across all public diplomacy bureaus
8 and offices of the Department;

9 (C) support United States diplomatic
10 posts' public affairs sections;

11 (D) share appropriate public diplomacy re-
12 search and evaluation information within the
13 Department and with other appropriate Federal
14 departments and agencies;

15 (E) regularly design and coordinate stand-
16 ardized research questions, methodologies, and
17 procedures to ensure that public diplomacy pro-
18 grams and activities across all public diplomacy
19 bureaus and offices are designed to meet appro-
20 priate foreign policy objectives; and

21 (F) report biannually to the United States
22 Advisory Commission on Public Diplomacy,
23 through the Subcommittee on Research and
24 Evaluation established pursuant to subsection

1 (f), regarding the research and evaluation of all
2 public diplomacy bureaus and offices.

3 (4) GUIDANCE AND TRAINING.—Not later than
4 one year after the appointment of the Director pur-
5 suant to paragraph (1), the Director shall develop
6 guidance and training, including curriculum for use
7 by the Foreign Service Institute, for all public diplo-
8 macy officers of the Department regarding the read-
9 ing and interpretation of public diplomacy program
10 and activity evaluation findings to ensure that such
11 findings and related lessons learned are implemented
12 in the planning and evaluation of all public diplo-
13 macy programs and activities of the Department.

14 (c) PRIORITIZING RESEARCH AND EVALUATION.—

15 (1) IN GENERAL.—The head of the Office of
16 Policy, Planning, and Resources for Public Diplo-
17 macy and Public Affairs of the Department of State
18 shall ensure that research and evaluation of public
19 diplomacy and activities of the Department, as co-
20 ordinated and overseen by the Director pursuant to
21 subsection (b), supports strategic planning and re-
22 source allocation across all public diplomacy bureaus
23 and offices of the Department.

24 (2) ALLOCATION OF RESOURCES.—Amounts al-
25 located for the purpose of research and evaluation of

1 public diplomacy programs and activities of the De-
2 partment of State pursuant to subsection (b) shall
3 be made available to be disbursed at the direction of
4 the Director of Research and Evaluation among the
5 research and evaluation staff across all public diplo-
6 macy bureaus and offices of the Department.

7 (3) SENSE OF CONGRESS.—It is the sense of
8 Congress that the Department of State should
9 gradually increase its allocation of funds made avail-
10 able under the headings “Educational and Cultural
11 Exchange Programs” and “Diplomatic Programs”
12 for research and evaluation of public diplomacy pro-
13 grams and activities of the Department pursuant to
14 subsection (b) to a percentage of program funds that
15 is commensurate with Federal Government best
16 practices.

17 (d) LIMITED EXEMPTION RELATING TO THE PAPER-
18 WORK REDUCTION ACT.—Chapter 35 of title 44, United
19 States Code (commonly known as the “Paperwork Reduc-
20 tion Act”) shall not apply to the collection of information
21 directed at any individuals conducted by, or on behalf of,
22 the Department of State for the purpose of audience re-
23 search, monitoring, and evaluations, and in connection
24 with the Department’s activities conducted pursuant to
25 any of the following:

1 (1) The Mutual Educational and Cultural Ex-
2 change Act of 1961 (22 U.S.C. 2451 et seq.).

3 (2) Section 1287 of the National Defense Au-
4 thorization Act for Fiscal Year 2017 (Public Law
5 114–328; 22 U.S.C. 2656 note).

6 (3) The Foreign Assistance Act of 1961 (22
7 U.S.C. 2151 et seq.).

8 (e) LIMITED EXEMPTION RELATING TO THE PRI-
9 VACY ACT.—

10 (1) IN GENERAL.—The Department of State
11 shall maintain, collect, use, and disseminate records
12 (as such term is defined in section 552a(a)(4) of
13 title 5, United States Code) for audience research,
14 digital analytics, and impact evaluation of commu-
15 nications related to public diplomacy efforts intended
16 for foreign audiences.

17 (2) CONDITIONS.—Audience research, digital
18 analytics, and impact evaluations under paragraph

19 (1) shall be—

20 (A) reasonably tailored to meet the pur-
21 poses of this subsection; and

22 (B) carried out with due regard for privacy
23 and civil liberties guidance and oversight.

24 (f) UNITED STATES ADVISORY COMMISSION ON PUB-
25 LIC DIPLOMACY.—

1 (1) SUBCOMMITTEE FOR RESEARCH AND EVAL-
2 UATION.—The United States Advisory Commission
3 on Public Diplomacy shall establish a Subcommittee
4 on Research and Evaluation to monitor and advise
5 regarding audience research, digital analytics, and
6 impact evaluations carried out by the Department of
7 State and the United States Agency for Global
8 Media.

9 (2) ANNUAL REPORT.—The Subcommittee on
10 Research and Evaluation established pursuant to
11 paragraph (1) shall submit to the appropriate con-
12 gressional committees an annual report, in conjunc-
13 tion with the United States Advisory Commission on
14 Public Diplomacy’s Comprehensive Annual Report
15 on the performance of the Department and the
16 United States Agency for Global Media, describing
17 all actions taken by the Subcommittee pursuant to
18 paragraph (1) and any findings made as a result of
19 such actions.

20 **SEC. 7604. PERMANENT REAUTHORIZATION OF THE**
21 **UNITED STATES ADVISORY COMMISSION ON**
22 **PUBLIC DIPLOMACY.**

23 (a) IN GENERAL.—Section 1334 of the Foreign Af-
24 fairs Reform and Restructuring Act of 1998 (22 U.S.C.
25 6553) is amended—

1 (1) in the section heading, by striking “**SUN-**
2 **SET**” and inserting “**CONTINUATION**”; and

3 (2) by striking “until October 1, 2021”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1002(b) of the Foreign Affairs Reform and Re-
6 structuring Act of 1998 is amended by amending the item
7 relating to section 1334 to read as follows:

“Sec. 1334. Continuation of United States Advisory Commission on Public Di-
plomacy.”.

8 **SEC. 7605. STREAMLINING OF SUPPORT FUNCTIONS.**

9 (a) WORKING GROUP ESTABLISHED.—Not later than
10 60 days after the date of the enactment of this Act, the
11 Secretary of State shall establish a working group to ex-
12 plore the possibilities and cost-benefit analysis of
13 transitioning to a shared services model as such pertains
14 to human resources, travel, purchasing, budgetary plan-
15 ning, and all other executive support functions for all bu-
16 reaus of the Department that report to the Under Sec-
17 retary for Public Diplomacy of the Department.

18 (b) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary of State shall
20 submit to the appropriate congressional committees a plan
21 to implement any such findings of the working group es-
22 tablished under subsection (a).

1 **SEC. 7606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLO-**
2 **MACY FACILITIES.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of State
5 shall adopt, and include in the Foreign Affairs Manual,
6 guidelines to collect and utilize information from each dip-
7 lomatic post at which the construction of a new embassy
8 compound or new consulate compound would result in the
9 closure or co-location of an American Space, American
10 Center, American Corner, or any other public diplomacy
11 facility under the Secure Embassy Construction and
12 Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

13 (b) REQUIREMENTS.—The guidelines required by
14 subsection (a) shall include the following:

15 (1) Standardized notification to each chief of
16 mission at a diplomatic post describing the require-
17 ments of the Secure Embassy Construction and
18 Counterterrorism Act of 1999 and the impact on the
19 mission footprint of such requirements.

20 (2) An assessment and recommendations from
21 each chief of mission of potential impacts to public
22 diplomacy programming at such diplomatic post if
23 any public diplomacy facility referred to in sub-
24 section (a) is closed or staff is co-located in accord-
25 ance with such Act.

1 (3) A process by which assessments and rec-
2 ommendations under paragraph (2) are considered
3 by the Secretary of State and the appropriate Under
4 Secretaries and Assistant Secretaries of the Depart-
5 ment.

6 (4) Notification to the appropriate congres-
7 sional committees, prior to the initiation of a new
8 embassy compound or new consulate compound de-
9 sign, of the intent to close any such public diplomacy
10 facility or co-locate public diplomacy staff in accord-
11 ance with such Act.

12 (c) REPORT.—Not later than one year after the date
13 of the enactment of this Act, the Secretary of State shall
14 submit to the appropriate congressional committees a re-
15 port containing the guidelines required under subsection
16 (a) and any recommendations for any modifications to
17 such guidelines.

18 **SEC. 7607. DEFINITIONS.**

19 In this subtitle:

20 (1) AUDIENCE RESEARCH.—The term “audi-
21 ence research” means research conducted at the out-
22 set of a public diplomacy program or the outset of
23 campaign planning and design regarding specific au-
24 dience segments to understand the attitudes, inter-

1 ests, knowledge, and behaviors of such audience seg-
2 ments.

3 (2) DIGITAL ANALYTICS.—The term “digital
4 analytics” means the analysis of qualitative and
5 quantitative data, accumulated in digital format, to
6 indicate the outputs and outcomes of a public diplo-
7 macy program or campaign.

8 (3) IMPACT EVALUATION.—The term “impact
9 evaluation” means an assessment of the changes in
10 the audience targeted by a public diplomacy program
11 or campaign that can be attributed to such program
12 or campaign.

13 (4) PUBLIC DIPLOMACY BUREAUS AND OF-
14 FICES.—The term “public diplomacy bureaus and
15 offices” means, with respect to the Department, the
16 following:

17 (A) The Bureau of Educational and Cul-
18 tural Affairs.

19 (B) The Bureau of Global Public Affairs.

20 (C) The Office of Policy, Planning, and
21 Resources for Public Diplomacy and Public Af-
22 fairs.

23 (D) The Global Engagement Center.

24 (E) The public diplomacy functions within
25 the regional and functional bureaus.

1 **Subtitle G—Combating Public**
2 **Corruption**

3 **SEC. 7701. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) it is in the foreign policy interest of the
6 United States to help foreign countries promote
7 good governance and combat public corruption;

8 (2) multiple Federal departments and agencies
9 operate programs that promote good governance in
10 foreign countries and enhance such countries' ability
11 to combat public corruption; and

12 (3) the Department of State should—

13 (A) promote coordination among the Fed-
14 eral departments and agencies implementing
15 programs to promote good governance and com-
16 bat public corruption in foreign countries in
17 order to improve effectiveness and efficiency;
18 and

19 (B) identify areas in which United States
20 efforts to help other countries promote good
21 governance and combat public corruption could
22 be enhanced.

23 **SEC. 7702. ANNUAL ASSESSMENT.**

24 (a) **IN GENERAL.**—For each of fiscal years 2022
25 through 2027, the Secretary of State shall assess the ca-

1 capacity and commitment of foreign governments to which
2 the United States provides foreign assistance under the
3 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)
4 or the Arms Export Control Act (22 U.S.C. 2751 et seq.)
5 to combat public corruption. Each such assessment
6 shall—

7 (1) utilize independent, third party indicators
8 that measure transparency, accountability, and cor-
9 ruption in the public sector in such countries, includ-
10 ing the extent to which public power is exercised for
11 private gain, to identify those countries that are
12 most vulnerable to public corruption;

13 (2) consider, to the extent reliable information
14 is available, whether the government of a country
15 identified under paragraph (1)—

16 (A) has adopted measures to prevent pub-
17 lic corruption, such as measures to inform and
18 educate the public, including potential victims,
19 about the causes and consequences of public
20 corruption;

21 (B) has enacted laws and established gov-
22 ernment structures, policies, and practices that
23 prohibit public corruption;

24 (C) enforces such laws through a fair judi-
25 cial process;

1 (D) vigorously investigates, prosecutes,
2 convicts, and sentences public officials who par-
3 ticipate in or facilitate public corruption, includ-
4 ing nationals of such country who are deployed
5 in foreign military assignments, trade delega-
6 tions abroad, or other similar missions who en-
7 gage in or facilitate public corruption;

8 (E) prescribes appropriate punishment for
9 serious and significant corruption that is com-
10 mensurate with the punishment prescribed for
11 serious crimes;

12 (F) prescribes appropriate punishment for
13 significant corruption that provides a suffi-
14 ciently stringent deterrent and adequately re-
15 flects the nature of the offense;

16 (G) convicts and sentences persons respon-
17 sible for such acts that take place wholly or
18 partly within the country of such government,
19 including, as appropriate, requiring the incar-
20 ceration of individuals convicted of such acts;

21 (H) holds private sector representatives ac-
22 countable for their role in public corruption;
23 and

24 (I) addresses threats for civil society to
25 monitor anti-corruption efforts;

1 (3) further consider—

2 (A) verifiable measures taken by the gov-
3 ernment of a country identified under para-
4 graph (1) to prohibit government officials from
5 participating in, facilitating, or condoning pub-
6 lic corruption, including the investigation, pros-
7 ecution, and conviction of such officials;

8 (B) the extent to which such government
9 provides access, or, as appropriate, makes ade-
10 quate resources available, to civil society organi-
11 zations and other institutions to combat public
12 corruption, including reporting, investigating,
13 and monitoring;

14 (C) the extent to which an independent ju-
15 diciary or judicial body in such country is re-
16 sponsible for, and effectively capable of, decid-
17 ing public corruption cases impartially, on the
18 basis of facts and in accordance with law, with-
19 out any improper restrictions, influences, in-
20 ducements, pressures, threats, or interferences,
21 whether direct or indirect, from any source or
22 for any reason;

23 (D) the extent to which such government
24 cooperates meaningfully with the United States
25 to strengthen government and judicial institu-

1 tions and the rule of law to prevent, prohibit,
2 and punish public corruption; and

3 (E) the extent to which such government—

4 (i) is assisting in international inves-
5 tigations of transnational public corruption
6 networks and in other cooperative efforts
7 to combat serious, significant corruption,
8 including cooperating with the govern-
9 ments of other countries to extradite cor-
10 rupt actors;

11 (ii) recognizes the rights of victims of
12 public corruption, ensures their access to
13 justice, and takes steps to prevent such
14 victims from being further victimized or
15 persecuted by corrupt actors, government
16 officials, or others; and

17 (iii) refrains from prosecuting legiti-
18 mate victims of public corruption or whis-
19 tleblowers due to such persons having as-
20 sisted in exposing public corruption, and
21 refrains from other discriminatory treat-
22 ment of such persons; and

23 (4) contain such other information relating to
24 public corruption as the Secretary of State considers
25 appropriate.

1 (b) IDENTIFICATION.—After conducting each assess-
2 ment under subsection (a), the Secretary of State shall
3 identify, of the countries described in subsection (a)(1)—

4 (1) which countries are meeting minimum
5 standards to combat public corruption;

6 (2) which countries are not meeting such min-
7 imum standards but are making significant efforts
8 to do so; and

9 (3) which countries are not meeting such min-
10 imum standards and are not making significant ef-
11 forts to do so.

12 (c) REPORT.—Except as provided in subsection (d),
13 not later than 180 days after the date of the enactment
14 of this Act and annually thereafter through fiscal year
15 2027, the Secretary of State shall submit to the appro-
16 priate congressional committees, the Committee on Appro-
17 priations of the House of Representatives, and the Com-
18 mittee on Appropriations of the Senate a report, and make
19 such report publicly available, that—

20 (1) identifies the countries described in sub-
21 section (a)(1) and paragraphs (2) and (3) of sub-
22 section (b);

23 (2) describes the methodology and data utilized
24 in the assessments under subsection (a); and

1 (3) identifies the reasons for the identifications
2 referred to in paragraph (1).

3 (d) BRIEFING IN LIEU OF REPORT.—The Secretary
4 of State may waive the requirement to submit and make
5 publicly available a written report under subsection (c) if
6 the Secretary—

7 (1) determines that publication of such report
8 would—

9 (A) undermine existing United States anti-
10 corruption efforts in one or more countries; or

11 (B) threaten the national interests of the
12 United States; and

13 (2) provides to the appropriate congressional
14 committees a briefing that—

15 (A) identifies the countries described in
16 subsection (a)(1) and paragraphs (2) and (3) of
17 subsection (b);

18 (B) describes the methodology and data
19 utilized in the assessment under subsection (a);
20 and

21 (C) identifies the reasons for the identifica-
22 tions referred to in subparagraph (A).

23 **SEC. 7703. TRANSPARENCY AND ACCOUNTABILITY.**

24 For each country identified under paragraphs (2) and
25 (3) of section 1702(b), the Secretary of State, in coordina-

1 tion with the Administrator of the United States Agency
2 for International Development, as appropriate, shall—

3 (1) ensure that a corruption risk assessment
4 and mitigation strategy is included in the integrated
5 country strategy for such country; and

6 (2) utilize appropriate mechanisms to combat
7 corruption in such countries, including by ensur-
8 ing—

9 (A) the inclusion of anti-corruption clauses
10 in contracts, grants, and cooperative agree-
11 ments entered into by the Department of State
12 or the United States Agency for International
13 Development for or in such countries, which
14 allow for the termination of such contracts,
15 grants, or cooperative agreements, as the case
16 may be, without penalty if credible indicators of
17 public corruption are discovered;

18 (B) the inclusion of appropriate clawback
19 or flowdown clauses within the procurement in-
20 struments of the Department of State and the
21 United States Agency for International Devel-
22 opment that provide for the recovery of funds
23 misappropriated through corruption;

24 (C) the appropriate disclosure to the
25 United States Government, in confidential

1 form, if necessary, of the beneficial ownership
2 of contractors, subcontractors, grantees, cooper-
3 ative agreement participants, and other organi-
4 zations implementing programs on behalf of the
5 Department of State or the United States
6 Agency for International Development; and

7 (D) the establishment of mechanisms for
8 investigating allegations of misappropriated re-
9 sources and equipment.

10 **SEC. 7704. DESIGNATION OF EMBASSY ANTI-CORRUPTION**

11 **POINTS OF CONTACT.**

12 (a) IN GENERAL.—The Secretary of State shall an-
13 nually designate an anti-corruption point of contact at the
14 United States diplomatic post to each country identified
15 under paragraphs (2) and (3) of section 1702(b), or which
16 the Secretary otherwise determines is in need of such a
17 point of contact. The point of contact shall be the chief
18 of mission or the chief of mission’s designee.

19 (b) RESPONSIBILITIES.—Each anti-corruption point
20 of contact designated under subsection (a) shall be respon-
21 sible for coordinating and overseeing the implementation
22 of a whole-of-government approach among the relevant
23 Federal departments and agencies operating programs
24 that—

1 (1) promote good governance in foreign coun-
2 tries; and

3 (2) enhance the ability of such countries to—

4 (A) combat public corruption; and

5 (B) develop and implement corruption risk
6 assessment tools and mitigation strategies.

7 (c) TRAINING.—The Secretary of State shall imple-
8 ment appropriate training for anti-corruption points of
9 contact designated under subsection (a).

10 **Subtitle H—Other Matters**

11 **SEC. 7801. CASE-ZABLOCKI ACT REFORM.**

12 Section 112b of title 1, United States Code, is
13 amended—

14 (1) in subsection (a)—

15 (A) in the first sentence, by striking
16 “sixty” and inserting “30”; and

17 (B) in the second sentence, by striking
18 “Committee on International Relations” and in-
19 serting “Committee on Foreign Affairs”; and

20 (2) by amending subsection (b) to read as fol-
21 lows:

22 “(b) Each department or agency of the United States
23 Government that enters into any international agreement
24 described in subsection (a) on behalf of the United States,

1 shall designate a Chief International Agreements Officer,
2 who—

3 “(1) shall be a current employee of such depart-
4 ment or agency;

5 “(2) shall serve concurrently as Chief Inter-
6 national Agreements Officer; and

7 “(3) subject to the authority of the head of
8 such department or agency, shall have department
9 or agency-wide responsibility for efficient and appro-
10 priate compliance with subsection (a) to transmit the
11 text of any international agreement to the Depart-
12 ment of State expeditiously after such agreement
13 has been signed.”.

14 **SEC. 7802. LIMITATION ON ASSISTANCE TO COUNTRIES IN**
15 **DEFAULT.**

16 Section 620(q) of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2370(q)) is amended—

18 (1) by striking “No assistance” and inserting
19 the following “(1) No assistance”;

20 (2) by inserting “the government of” before
21 “any country”;

22 (3) by inserting “the government of” before
23 “such country” each place it appears;

24 (4) by striking “determines” and all that fol-
25 lows and inserting “determines, after consultation

1 with the Committee on Foreign Affairs and the
2 Committee on Appropriations of the House of Rep-
3 resentatives and the Committee on Foreign Rela-
4 tions and the Committee on Appropriations of the
5 Senate, that assistance for such country is in the na-
6 tional interest of the United States.”; and

7 (5) by adding at the end the following:

8 “(2) No assistance shall be furnished under this Act,
9 the Peace Corps Act, the Millennium Challenge Act of
10 2003, the African Development Foundation Act, the
11 BUILD Act of 2018, section 504 of the FREEDOM Sup-
12 port Act, or section 23 of the Arms Export Control Act
13 to the government of any country which is in default dur-
14 ing a period in excess of 1 calendar year in payment to
15 the United States of principal or interest or any loan made
16 to the government of such country by the United States
17 unless the President determines, following consultation
18 with the congressional committees specified in paragraph
19 (1), that assistance for such country is in the national in-
20 terest of the United States.”.

21 **SEC. 7803. SEAN AND DAVID GOLDMAN CHILD ABDUCTION**
22 **PREVENTION AND RETURN ACT OF 2014**
23 **AMENDMENT.**

24 Subsection (b) of section 101 of the Sean and David
25 Goldman International Child Abduction Prevention and

1 Return Act of 2014 (22 U.S.C. 9111; Public Law 113–
2 150) is amended—

3 (1) in paragraph (2)—

4 (A) in subparagraph (A)—

5 (i) by inserting “, respectively,” after
6 “access cases”; and

7 (ii) by inserting “and the number of
8 children involved” before the semicolon at
9 the end;

10 (B) in subparagraph (D), by inserting “re-
11 spectively, the number of children involved,”
12 after “access cases,”;

13 (2) in paragraph (7), by inserting “, and num-
14 ber of children involved in such cases” before the
15 semicolon at the end;

16 (3) in paragraph (8), by striking “and” after
17 the semicolon at the end;

18 (4) in paragraph (9), by striking the period at
19 the end and inserting “; and”; and

20 (5) by adding at the end the following new
21 paragraph:

22 “(10) the total number of pending cases the
23 Department of State has assigned to case officers
24 and number of children involved for each country
25 and as a total for all countries.”.

1 **SEC. 7804. MODIFICATION OF AUTHORITIES OF COMMIS-**
2 **SION FOR THE PRESERVATION OF AMERICA'S**
3 **HERITAGE ABROAD.**

4 (a) IN GENERAL.—Chapter 3123 of title 54, United
5 States Code, is amended as follows:

6 (1) In section 312302, by inserting “, and
7 unimpeded access to those sites,” after “and historic
8 buildings”.

9 (2) In section 312304(a)—

10 (A) in paragraph (2)—

11 (i) by striking “and historic build-
12 ings” and inserting “and historic buildings,
13 and unimpeded access to those sites”; and

14 (ii) by striking “and protected” and
15 inserting “, protected, and made acces-
16 sible”; and

17 (B) in paragraph (3), by striking “and
18 protecting” and inserting “, protecting, and
19 making accessible”.

20 (3) In section 312305, by inserting “and to the
21 Committee on Foreign Affairs of the House of Rep-
22 resentatives and the Committee on Foreign Rela-
23 tions of the Senate” after “President”.

24 (b) REPORT.—Not later than 90 days after the date
25 of the enactment of this Act, the Commission for the Pres-
26 ervation of America’s Heritage Abroad shall submit to the

1 President and to the Committee on Foreign Affairs of the
2 House of Representatives and the Committee on Foreign
3 Relations of the Senate a report that contains an evalua-
4 tion of the extent to which the Commission is prepared
5 to continue its activities and accomplishments with respect
6 to the foreign heritage of United States citizens from east-
7 ern and central Europe, were the Commission's duties and
8 powers extended to include other regions, including the
9 Middle East and North Africa, and any additional re-
10 sources or personnel the Commission would require.

11 **SEC. 7805. CHIEF OF MISSION CONCURRENCE.**

12 In the course of providing concurrence to the exercise
13 of the authority pursuant to section 127e of title 10,
14 United State Code, or section 1202 of the National De-
15 fense Authorization Act for Fiscal Year 2018—

16 (1) each relevant chief of mission shall inform
17 and consult in a timely manner with relevant indi-
18 viduals at relevant missions or bureaus of the De-
19 partment of State; and

20 (2) the Secretary of State shall take such steps
21 as may be necessary to ensure that such relevant in-
22 dividuals have the security clearances necessary and
23 access to relevant compartmented and special pro-
24 grams to so consult in a timely manner with respect
25 to such concurrence.

1 **SEC. 7806. REPORT ON EFFORTS OF THE CORONAVIRUS RE-**
2 **PATRIATION TASK FORCE.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of State shall submit to
5 the appropriate congressional committees, the Committee
6 on Armed Services of the House of Representatives, and
7 the Committee on Armed Services of the Senate a report
8 evaluating the efforts of the Coronavirus Repatriation
9 Task Force of the Department of State to repatriate
10 United States citizens and legal permanent residents in
11 response to the 2020 coronavirus outbreak. The report
12 shall identify—

13 (1) the most significant impediments to repa-
14 triating such persons;

15 (2) the lessons learned from such repatriations;
16 and

17 (3) any changes planned to future repatriation
18 efforts of the Department of State to incorporate
19 such lessons learned.

20 **DIVISION G—GLOBAL PANDEMIC**
21 **PREVENTION AND BIOSECURITY**

22 **SEC. 8001. SHORT TITLE.**

23 This division may be cited as the “Global Pandemic
24 Prevention and Biosecurity Act”.

1 **SEC. 8002. STATEMENT OF POLICY.**

2 It shall be the policy of the United States Govern-
3 ment to—

4 (1) support improved community health, forest
5 management, sustainable agriculture, and safety of
6 livestock production in developing countries;

7 (2) support the availability of scalable and sus-
8 tainable alternative animal and plant-sourced protein
9 for local communities, where appropriate, in order to
10 minimize human reliance on the trade in live wildlife
11 and raw or unprocessed wildlife parts and deriva-
12 tives;

13 (3) support foreign governments to—

14 (A) transition from the sale of such wildlife
15 for human consumption in markets and res-
16 taurants to alternate protein and nutritional
17 sources;

18 (B) prevent commercial trade in live wild-
19 life and raw or unprocessed wildlife parts and
20 derivatives that risks contributing to zoonotic
21 spillover events between animals and humans,
22 not to include commercial trade in—

- 23 (i) fish;
- 24 (ii) invertebrates;
- 25 (iii) amphibians;
- 26 (iv) reptiles; or

- 1 (v) the meat of game species—
- 2 (I) traded in markets in coun-
- 3 tries with effective implementation
- 4 and enforcement of scientifically
- 5 based, nationally implemented policies
- 6 and legislation for processing, trans-
- 7 port, trade, marketing; and
- 8 (II) sold after being slaughtered
- 9 and processed under sanitary condi-
- 10 tions; and
- 11 (C) establish and effectively manage pro-
- 12 tected and conserved areas, including in tropical
- 13 landscapes, and including indigenous and com-
- 14 munity-conserved areas;
- 15 (4) encourage development projects that do not
- 16 contribute to the destruction, fragmentation or deg-
- 17 radation of forests or loss of biodiversity; and
- 18 (5) respect the rights and needs of indigenous
- 19 people and local communities dependent on such
- 20 wildlife for nutritional needs and food security.

21 **SEC. 8003. DEFINITIONS.**

22 In this division:

- 23 (1) ADMINISTRATOR.—The term “Adminis-
- 24 trator” means the Administrator of the United
- 25 States Agency for International Development.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs and
5 the Committee on Appropriations in the House
6 of Representatives; and

7 (B) the Committee on Foreign Relations
8 and the Committee on Appropriations in the
9 Senate.

10 (3) COMMERCIAL WILDLIFE TRADE.—The term
11 “commercial wildlife trade” means trade in wildlife
12 for the purpose of obtaining economic benefit,
13 whether in cash or otherwise, that is directed toward
14 sale, resale, exchange, or any other form of economic
15 use or benefit.

16 (4) HUMAN CONSUMPTION.—The term “human
17 consumption” means specific use for human food or
18 medicine.

19 (5) LIVE WILDLIFE MARKET.—The term “live
20 wildlife market” means a commercial market that
21 sells, processes, or slaughters live or fresh wildlife
22 for human consumption in markets or restaurants,
23 irrespective of whether such wildlife originated in the
24 wild or in a captive situation.

1 (6) ONE HEALTH.—The term “One Health”
2 means a collaborative, multisectoral, and trans-dis-
3 ciplinary approach achieving optimal health out-
4 comes that recognizes the interconnection between—

5 (A) people, wildlife, and plants; and

6 (B) the environment shared by such peo-
7 ple, wildlife, and plants.

8 (7) OUTBREAK.—The term “outbreak” means
9 the occurrence of disease cases in excess of normal
10 expectancy.

11 (8) PUBLIC HEALTH EMERGENCY.—The term
12 “public health emergency” means the public health
13 emergency declared by the Secretary of Health and
14 Human Services pursuant to section 319 of the Pub-
15 lic Health Service Act (42 U.S.C. 247d) on January
16 31, 2020, with respect to COVID–19.

17 (9) SPILLOVER EVENT.—The term “spillover
18 event” means the transmission of a pathogen from
19 one species to another.

20 (10) TASK FORCE.—The term “Task Force”
21 means the Global Zoonotic Disease Task Force es-
22 tablished under section 8006(a).

23 (11) USAID.—The term “USAID” means the
24 United States Agency for International Develop-
25 ment.

1 (12) ZOOBOTIC DISEASE.—The term “zoonotic
2 disease” means any disease that is naturally trans-
3 missible between animals and humans.

4 **SEC. 8004. FINDINGS.**

5 Congress makes the following findings:

6 (1) The majority of recent emerging infectious
7 diseases have originated in wildlife.

8 (2) There is a rise in the frequency of zoonotic
9 spillover events and outbreaks of such diseases.

10 (3) This rise in such spillover events and out-
11 breaks relates to the increased interaction between
12 humans and wildlife.

13 (4) There is a progressive and increasing rise in
14 interaction between human populations and wildlife
15 related to deforestation, habitat degradation, and ex-
16 pansion of human activity into the habitat of such
17 wildlife.

18 (5) The increase in such interactions due to
19 these factors, particularly in forested regions of trop-
20 ical countries where there is high mammalian diver-
21 sity, is a serious risk factor for spillover events.

22 (6) A serious risk factor for spillover events
23 also relates to the collection, production, commercial
24 trade, and sale for human consumption of wildlife
25 that may transmit to zoonotic pathogens to humans

1 that may then replicate and be transmitted within
2 the human population.

3 (7) Such a risk factor is increased if it involves
4 wildlife that—

5 (A) does not ordinarily interact with hu-
6 mans; or

7 (B) lives under a stressful condition, as
8 such condition exacerbates the shedding of
9 zoonotic pathogens.

10 (8) Markets for such wildlife to be sold for
11 human consumption are found in many countries.

12 (9) In some communities, such wildlife may be
13 the only accessible source of high quality nutrition.

14 (10) The public health emergency has resulted
15 in—

16 (A) trillions of dollars in economic damage
17 to the United States; and

18 (B) the deaths of hundreds of thousands of
19 American citizens.

20 **SEC. 8005. UNITED STATES POLICY TOWARD ASSISTING**
21 **COUNTRIES IN PREVENTING ZOOONOTIC**
22 **SPILOVER EVENTS.**

23 The Secretary of State and Administrator of the
24 United States Agency for International Development, in
25 consultation with the Director of the United States Fish

1 and Wildlife Service, the Secretary of Agriculture, and the
2 leadership of other relevant agencies, shall coordinate, en-
3 gage, and work with governments, multilateral entities,
4 intergovernmental organizations, international partners,
5 and non-governmental organizations to—

6 (1) prevent commercial trade in live wildlife and
7 raw or unprocessed wildlife parts and derivatives for
8 human consumption that risks contributing to
9 zoonotic spillover, placing a priority focus on tropical
10 countries or countries with significant markets for
11 live wildlife for human consumption, which includes
12 such wildlife trade activities as—

13 (A) high volume commercial trade and as-
14 sociated markets;

15 (B) trade in and across well connected
16 urban centers;

17 (C) trade for luxury consumption or where
18 there is no dietary necessity by—

19 (i) working through existing treaties,
20 conventions, and agreements to develop a
21 new protocol, or to amend existing proto-
22 cols or agreements; and

23 (ii) expanding combating wildlife traf-
24 ficking programs to support enforcement
25 of the closure of such markets and new il-

1 legal markets in response to closures, and
2 the prevention of such trade, including—

3 (I) providing assistance to im-
4 prove law enforcement;

5 (II) detecting and deterring the
6 illegal import, transit, sale and export
7 of wildlife;

8 (III) strengthening such pro-
9 grams to assist countries through
10 legal reform;

11 (IV) improving information shar-
12 ing and enhancing capabilities of par-
13 ticipating foreign governments;

14 (V) supporting efforts to change
15 behavior and reduce demand for such
16 wildlife products; and

17 (VI) leveraging United States
18 private sector technologies and exper-
19 tise to scale and enhance enforcement
20 responses to detect and prevent such
21 trade;

22 (D) leveraging strong United States bilat-
23 eral relationships to support new and existing
24 inter-ministerial collaborations or task forces

1 that can serve as regional One Health models;
2 or

3 (E) building local agricultural capacity by
4 leveraging expertise from the Department of
5 Agriculture, U.S. Fish and Wildlife, and insti-
6 tutions of higher education with agricultural ex-
7 pertise;

8 (2) prevent the degradation and fragmentation
9 of forests and other intact ecosystems, particularly
10 in tropical countries, to minimize interactions be-
11 tween wildlife and human and livestock populations
12 that could contribute to spillover events and zoonotic
13 disease transmission, including by providing assist-
14 ance or supporting policies to—

15 (A) conserve, protect, and restore the in-
16 tegrity of such ecosystems;

17 (B) support the rights of indigenous peo-
18 ples and local communities and their abilities to
19 continue their effective stewardships of their
20 traditional lands and territories;

21 (C) support the establishment and effective
22 management of protected areas, prioritizing
23 highly intact areas; and

24 (D) prevent activities that result in the de-
25 struction, degradation, fragmentation, or con-

1 version of intact forests and other intact eco-
2 systems and biodiversity strongholds, including
3 by governments, private sector entities, and
4 multilateral development financial institutions;

5 (3) offer alternative livelihood and worker train-
6 ing programs and enterprise development to wildlife
7 traders, wildlife breeders, and local communities
8 whose members are engaged in the commercial wild-
9 life trade for human consumption;

10 (4) work with indigenous peoples and local com-
11 munities to—

12 (A) ensure that their rights are respected
13 and their authority to exercise such rights is
14 protected;

15 (B) provide education and awareness on
16 animal handling, sanitation, and disease trans-
17 mission, as well as sustainable wildlife manage-
18 ment and support to develop village-level alter-
19 native sources of protein and nutrition;

20 (C) reduce the risk of zoonotic spillover
21 while ensuring food security and access to
22 healthy diets; and

23 (D) improve farming practices to reduce
24 the risk of zoonotic spillover to livestock;

1 (5) strengthen global capacity for detection of
2 zoonotic diseases with pandemic potential; and

3 (6) support the development of One Health sys-
4 tems at the community level.

5 **SEC. 8006. GLOBAL ZOOONOTIC DISEASE TASK FORCE.**

6 (a) **ESTABLISHMENT.**—There is established a task
7 force to be known as the “Global Zoonotic Disease Task
8 Force”.

9 (b) **DUTIES OF TASK FORCE.**—The duties of the
10 Task Force shall be to—

11 (1) ensure an integrated approach across the
12 Federal Government and globally to the prevention
13 of, early detection of, preparedness for, and response
14 to zoonotic spillover and the outbreak and trans-
15 mission of zoonotic diseases that may pose a threat
16 to global health security;

17 (2) not later than one year after the date of the
18 enactment of this Act, develop and publish, on a
19 publicly accessible website, a plan for global biosecu-
20 rity and zoonotic disease prevention and response
21 that leverages expertise in public health, wildlife
22 health, livestock veterinary health, sustainable forest
23 management, community-based conservation, rural
24 food security, and indigenous rights to coordinate
25 zoonotic disease surveillance internationally, includ-

1 ing support for One Health institutions around the
2 world that can prevent and provide early detection
3 of zoonotic outbreaks; and

4 (3) expanding the scope of the implementation
5 of the White House’s Global Health Security Strat-
6 egy to more robustly support the prevention of
7 zoonotic spillover and respond to zoonotic disease in-
8 vestigations and outbreaks by establishing a 10-year
9 strategy with specific Federal Government inter-
10 national goals, priorities, and timelines for action,
11 including to—

12 (A) recommend policy actions and mecha-
13 nisms in developing countries to reduce the risk
14 of zoonotic spillover and zoonotic disease emer-
15 gence and transmission, including in support of
16 the activities described in section 8005;

17 (B) identify new mandates, authorities,
18 and incentives needed to strengthen the global
19 zoonotic disease plan under paragraph (2); and

20 (C) prioritize engagement in programs that
21 target tropical countries and regions experi-
22 encing high rates of deforestation, forest deg-
23 radation, and land conversion, and countries
24 with significant markets for live wildlife for
25 human consumption.

1 (c) MEMBERSHIP.—

2 (1) IN GENERAL.—The members of the Task
3 Force established pursuant to subsection (a) shall be
4 composed of representatives from each of the fol-
5 lowing agencies:

6 (A) One permanent Chairperson at the
7 level of Deputy Assistant Secretary or above
8 from the following agencies, to rotate every two
9 years in an order to be determined by the Ad-
10 ministrator:

11 (i) The Animal and Plant Health In-
12 spection Service of the Department of Ag-
13 riculture.

14 (ii) The Department of Health and
15 Human Services or the Centers for Disease
16 Control and Prevention.

17 (iii) The Department of the Interior
18 or the United States Fish and Wildlife
19 Service.

20 (iv) The Department of State or
21 USAID.

22 (v) The National Security Council.

23 (B) At least 13 additional members, with
24 at least one from each of the following agencies:

1 (i) The Centers for Disease Control
2 and Prevention.

3 (ii) The Department of Agriculture.

4 (iii) The Department of Defense.

5 (iv) The Department of State.

6 (v) The Environmental Protection
7 Agency.

8 (vi) The National Science Foundation.

9 (vii) The National Institutes of
10 Health.

11 (viii) The National Institute of Stand-
12 ards and Technology.

13 (ix) The Office of Science and Tech-
14 nology Policy.

15 (x) The United States Agency for
16 International Development.

17 (xi) The United States Fish and Wild-
18 life Service.

19 (xii) U.S. Customs and Border Pro-
20 tection.

21 (xiii) U.S. Immigration and Customs
22 Enforcement.

23 (2) TIMING OF APPOINTMENTS.—Appointments
24 to the Task Force shall be made not later than 30
25 days after the date of the enactment of this Act.

1 (3) TERMS.—

2 (A) IN GENERAL.—Each member of the
3 Task Force shall be appointed for a term of two
4 years.

5 (B) VACANCIES.—Any member appointed
6 to fill a vacancy occurring before the expiration
7 of the term for which the member's predecessor
8 was appointed shall be appointed only for the
9 remainder of that term. A member may serve
10 after the expiration of that term until a suc-
11 cessor has been appointed.

12 (d) MEETING.—

13 (1) INITIAL MEETING.—The Task Force shall
14 hold its initial meeting not later than 45 days after
15 the final appointment of all members under sub-
16 section (b)(2).

17 (2) MEETINGS.—

18 (A) IN GENERAL.—The Task Force shall
19 meet at the call of the Chairperson.

20 (B) QUORUM.—Eight members of the
21 Task Force shall constitute a quorum, but a
22 lesser number may hold hearings.

23 (e) COMPENSATION.—

24 (1) PROHIBITION OF COMPENSATION.—Except
25 as provided in paragraph (2), members of the Task

1 Force may not receive additional pay, allowances,
2 benefits by reason of their service on the Task
3 Force.

4 (2) TRAVEL EXPENSES.—Each member shall
5 receive travel expenses, including per diem in lieu of
6 subsistence, in accordance with applicable provisions
7 under subchapter I of chapter 57 of title 5, United
8 States Code.

9 (f) REPORTS.—

10 (1) REPORT TO TASK FORCE.—Not later than
11 6 months after the enactment of this act and annu-
12 ally thereafter, the Federal agencies listed in sub-
13 section (b), shall submit a report to the Task Force
14 containing a detailed statement with respect to the
15 results of any programming within their agencies
16 that addresses the goals of zoonotic spillover and
17 disease prevention.

18 (2) REPORT TO CONGRESS.—Not later than 12
19 months after the date of the enactment of this Act
20 and annually thereafter, the Task Force shall submit
21 to the appropriate congressional committees and the
22 National Security Advisor a report containing a de-
23 tailed statement of the recommendations of the
24 Council pursuant to subsection (b).

1 (g) FACA.—Section 14(a)(2)(B) of the Federal Ad-
2 visory Committee Act shall not apply to the Task Force.
3 The Task Force is authorized for seven years beginning
4 on the date of the enactment of this Act, and up to an
5 additional two years at the discretion of the Task Force
6 Chairperson.

7 **SEC. 8007. PREVENTING OUTBREAKS OF ZOO NOTIC DIS-**
8 **EASES.**

9 (a) INTEGRATED ZOO NOTIC DISEASES PROGRAM.—
10 There is authorized an integrated zoonotic diseases pro-
11 gram within the United States Agency for International
12 Development’s global health security programs, led by the
13 Administrator, in consultation with the Director for the
14 Centers for Disease Control and Prevention and other rel-
15 evant Federal agencies, to prevent spillover events,
16 epidemics, and pandemics through the following activities:

17 (1) Partnering with a consortium that possesses
18 the following technical capabilities:

19 (A) Institution with expertise in global
20 wildlife health and zoonotic pathogen, animal
21 care and management, combating wildlife traf-
22 ficking, including community-based conserva-
23 tion, wildlife trade and trafficking, wildlife habi-
24 tat protection, protected area management, and
25 preventing deforestation and forest degradation.

1 (B) Institutions of higher education with
2 veterinary and public health expertise.

3 (C) Institutions with public health exper-
4 tise.

5 (2) Implementing programs that aim to prevent
6 zoonotic spillover and expand on the results of the
7 USAID Emerging Pandemic Threat Outcomes pro-
8 gram, including PREDICT and PREDICT-2, to
9 prioritize the following activities:

10 (A) Utilizing coordinated information and
11 data sharing platforms, including information
12 related to biosecurity threats, in ongoing and
13 future research.

14 (B) Conducting One Health zoonotic re-
15 search at human-wildlife interfaces.

16 (C) Conducting One Health research into
17 known and novel zoonotic pathogen detection.

18 (D) Conducting surveillance, including bio-
19 security surveillance, of priority and unknown
20 zoonotic diseases and the transmission of such
21 diseases.

22 (E) Preventing spillover events of zoonotic
23 diseases.

24 (F) Investing in frontline diagnostic capa-
25 bility at points of contact.

1 (G) Understanding global and national-
2 level legal and illegal wildlife trade routes and
3 value chains, and their impacts on biodiversity
4 loss on human-wildlife interfaces.

5 (H) Understanding the impacts of land-use
6 change and conversion and biodiversity loss on
7 human-wildlife interfaces and zoonotic spillover
8 risk.

9 (I) Supporting development of One Health
10 capacity and systems at the community level in-
11 cluding integrating activities to improve com-
12 munity health, promote sustainable manage-
13 ment and conservation of forests, and ensure
14 safety in livestock production and handling.

15 (J) Utilizing existing One Health trained
16 workforce in developing countries to identify
17 high risk or reoccurring spillover event locations
18 and concentrate capacity and functionality at
19 such locations.

20 (K) Continuing to train a One Health
21 workforce in developing countries to prevent
22 and respond to disease outbreaks in animals
23 and humans, including training protected area
24 managers in disease collection technology linked
25 to existing data sharing platforms.

1 (b) TERMINATION.—The integrated zoonotic diseases
2 program authorized under this section shall terminate on
3 the date that is ten years after the date of the enactment
4 of this Act.

5 **SEC. 8008. USAID MULTISECTORAL STRATEGY FOR FOOD**
6 **SECURITY, GLOBAL HEALTH, BIODIVERSITY**
7 **CONSERVATION, AND REDUCING DEMAND**
8 **FOR WILDLIFE FOR HUMAN CONSUMPTION.**

9 (a) IN GENERAL.—The Administrator shall develop,
10 and publish on a publicly accessible website, a multise-
11 toral strategy for food security, global health, and bio-
12 diversity protection and shall include information about
13 zoonotic disease surveillance in the reports required by
14 section 406(b) of the Coronavirus Preparedness and Re-
15 sponse Supplemental Appropriations Act, 2020.

16 (b) MULTISECTORAL STRATEGY.—The Adminis-
17 trator of the United States Agency for International De-
18 velopment (USAID), through sectoral and regional bu-
19 reaus, shall develop a multisectoral strategy to integrate
20 and mitigate risks of zoonotic disease emergence and
21 spread, food insecurity, biodiversity conservation, and
22 wildlife and habitat destruction. The strategy shall include
23 participation of the following:

24 (1) The Bureau for Africa.

25 (2) The Bureau for Asia.

1 (3) The Bureau for Economic Growth, Edu-
2 cation, and Environment.

3 (4) The Bureau for Global Health.

4 (5) The Bureau for Latin America and the Car-
5 ibbean.

6 (6) The Bureau for Resiliency, and Food Secu-
7 rity.

8 (7) The Democracy, Conflict, and Humani-
9 tarian Assistance Bureau.

10 (c) CONTENTS.—The USAID multisectoral strategy
11 developed pursuant to subsection (a) shall include—

12 (1) a statement of the United States intention
13 to facilitate international cooperation to prevent
14 commercial trade in live wildlife and raw or unproc-
15 essed wildlife parts and derivatives for human con-
16 sumption, that risk contributing to zoonotic spillover
17 and to prevent the degradation and fragmentation of
18 forests and other intact ecosystems in tropical coun-
19 tries while ensuring full consideration to the needs
20 and rights of Indigenous Peoples and local commu-
21 nities that depend on wildlife for their food security;

22 (2) programs supporting integrated One Health
23 activities to improve community health, promote the
24 sustainable management, conservation, and restora-

1 tion of forests, and ensure safety in livestock produc-
2 tion and handling;

3 (3) programs and objectives to change wildlife
4 consumers' behavior, attitudes and consumption of
5 wildlife that risks contributing to zoonotic spillover;

6 (4) programs to increase supplies of sustainably
7 and locally produced alternative animal and plant-
8 based sources of protein and nutrition;

9 (5) programs to protect, maintain and restore
10 ecosystem integrity;

11 (6) programs to ensure that countries are suffi-
12 ciently prepared to detect, report, and respond to
13 zoonotic disease spillover events;

14 (7) programs to prevent, prepare for, detect, re-
15 port, and respond to zoonotic disease spillover
16 events; and

17 (8) the identification of Landscape Leaders re-
18 siding in-country who will coordinate strategic imple-
19 mentation, the overseeing of Conservation Corps vol-
20 unteers, and coordination with donors and award re-
21 cipients throughout the term of the project.

22 **SEC. 8009. IMPLEMENTATION OF MULTISECTORAL STRAT-**
23 **EGY.**

24 (a) IMPLEMENTATION.—The USAID multisectoral
25 strategy under section 8008 shall be implemented—

1 (1) through USAID bilateral programs through
2 missions and embassies and will account for half of
3 the portfolio; and

4 (2) through demonstration projects that meet
5 the requirements of subsection (b) and account for
6 half of the portfolio.

7 (b) DEMONSTRATION PROJECTS.—

8 (1) PURPOSE.—The purpose of demonstration
9 projects under subsection (a) shall be to—

10 (A) pilot the implementation of the USAID
11 multisectoral strategy by leveraging the inter-
12 national commitments of the donor community;

13 (B) prevent pandemics and reduce demand
14 for fresh and live wildlife source foods as a way
15 to stop spillover;

16 (C) establish and increase availability of
17 and access to sustainably and locally produced
18 animal and plant-based sources of protein and
19 nutrition to provide an alternative to the grow-
20 ing wild meat demand in urban, suburban, and
21 exurban communities; and

22 (D) realize the greatest impact in low ca-
23 pacity forested countries with susceptibility to
24 zoonotic spillover and spread that can lead to a
25 pandemic.

1 (2) DEMONSTRATION PROJECT COUNTRY
2 PLANS.—

3 (A) IN GENERAL.—USAID shall lead a
4 collaborative effort in coordination with the De-
5 partment of State, embassies of the United
6 States, and the International Development Fi-
7 nance Corporation to consult with in-country
8 stakeholder and participants in key forested
9 countries to develop a plan that reflects the
10 local needs and identifies measures of nutrition,
11 yield gap analysis, global health safeguards, for-
12 est and biodiversity protection, bushmeat de-
13 mand reduction and consumer behavior change,
14 and market development progress, within 90
15 days of completion of the multisectoral strategy.

16 (B) ELIGIBLE PROJECTS.—Eligible dem-
17 onstration projects shall include small holder
18 backyard production of animal source foods in-
19 cluding poultry, fish, guinea pigs, and insects.

20 (C) STAKEHOLDERS AND PARTICIPANTS.—
21 Stakeholder and participants in the develop-
22 ment of the multisectoral country plans shall
23 include but are not limited to—

- 24 (i) recipient countries;
25 (ii) donors governments;

- 1 (iii) multilaterals institutions;
- 2 (iv) conservation organizations;
- 3 (v) One Health institutions;
- 4 (vi) agricultural extension services;
- 5 (vii) domestic and international insti-
- 6 tutions of higher education;
- 7 (viii) food security experts;
- 8 (ix) United States grain and animal
- 9 protein production experts;
- 10 (x) social marketing and behavioral
- 11 change experts; and
- 12 (xi) financial institutions and micro-
- 13 enterprise experts.

14 (3) CHANGE IN LIVELIHOODS.—Multisectoral
15 country plans shall include programs to re-train in-
16 dividuals no longer engaged in supplying wildlife
17 markets in fundamental components of commercial
18 animal source food production, including agriculture
19 extension, veterinary care, sales and marketing, sup-
20 ply chains, transportation, livestock feed production,
21 micro-enterprise, and market analysis.

22 (4) LOCATION OF DEMONSTRATION
23 PROJECTS.—Collaboration between United States
24 Government assistance and other donor investments

1 shall occur in five demonstration projects, which
2 shall be in Africa, Asia, and Latin America.

3 (5) TIMING.—Five demonstration projects shall
4 be selected and each shall be tested over four years
5 after the date of the enactment of this Act.

6 (c) REPORTING.—

7 (1) AGENCY REPORT.—The Administrator shall
8 annually submit to the global zoonotic disease task
9 force established pursuant to section 8006, the
10 President, and the appropriate congressional com-
11 mittees a report regarding the progress achieved and
12 challenges concerning the development of a multise-
13 toral strategy for food security, global health, bio-
14 diversity, and reducing demand for wildlife for
15 human consumption required under this section.
16 Data included in each such report shall be
17 disaggregated by country, and shall include rec-
18 ommendations to resolve, mitigate, or otherwise ad-
19 dress such challenges. Each such report shall, to the
20 extent possible, be made publicly available.

21 (2) REPORT TO CONGRESS.—The Administrator
22 shall submit a strategy within one year of the enact-
23 ment of this Act outlining the implementation of the
24 country plans and identifying demonstration sites
25 and criteria for pilot programs. Four years after the

1 enactment, the Administrator shall submit a reas-
2 sessment of the strategy to Congress, as well as a
3 recommendation as to whether and how to expand
4 these programs globally.

5 **SEC. 8010. ESTABLISHMENT OF CONSERVATION CORPS.**

6 (a) IN GENERAL.—The Administrator shall establish
7 a Conservation Corps to provide Americans eligible for
8 service abroad, under conditions of hardship if necessary,
9 to deliver technical and strategic assistance to in-country
10 leaders of demonstration projects, stakeholders, and do-
11 nors implementing and financing the multisectoral strat-
12 egy under section 8008 to reduce demand for wildlife for
13 human consumption through food security, global health,
14 and biodiversity and related demonstration projects.

15 (b) PERSONS ELIGIBLE TO SERVE AS VOLUN-
16 TEERS.—The Administrator may enroll in the Conserva-
17 tion Corps for service abroad qualified citizens and nation-
18 als for short terms of service at the discretion of the Ad-
19 ministrator.

20 (c) RESPONSIBILITIES.—The Conservation Corps vol-
21 unteers shall be responsible for—

22 (1) providing training to agricultural producers
23 to encourage participants to share and pass on to
24 other agricultural producers in the home commu-

1 nities of the participants the information and skills
2 obtained from the training under this section;

3 (2) identifying areas for the extension of addi-
4 tional technical resources through farmer-to-farmer
5 exchanges; and

6 (3) conducting assessments of individual
7 projects and bilateral strategies and recommend
8 knowledge management strategies toward building
9 programs to scale and strengthening projects.

Passed the House of Representatives September 23,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.

By GLORIA J. LETT,
Deputy Clerk.

Calendar No. 144

117TH CONGRESS
1ST Session
H. R. 4350

AN ACT

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

OCTOBER 18, 2021

Received; read twice and placed on the calendar